LAKELAND CITY COMMISSION

Regular Session
August 15, 2022

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

CALL TO ORDER - 9:00 A.M.

PRESENTATIONS

Airport Update (Kris Hallstrand, Interim Airport Director)

PROCLAMATIONS

Lineworker Appreciation Day
Florida League of Cities 100th Anniversary

COMMITTEE REPORTS AND RELATED ITEMS

Municipal Boards & Committees 08/12/22

Commissioner Sara McCarley presented this report.

Motion: Commissioner Phillip Walker moved to approve the appointments. 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.

Real Estate & Transportation Committee 08/12/22

Commissioner Mike Musick presented this report.

1. Agreement with Lakeland Town Center, LLLP, for Lease of Office Space at Lakeland Town Center

Motion: Commissioner Chad McLeod moved to approve the agreement. Commissioner Phillip Walker seconded.

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

The Commission discussed resolving all issues with the property manager. The location was formerly known as Sears Town.

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

2. Conveyance of Easement to Summit Broadband to Provide Broadband Services to Parker Pointe Apartments

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

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

The Commission discussed
- Pricing for the internet service. The Commission did not have price details.
- The final easement will be recorded as built.

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

APPROVAL OF CONSENT AGENDA

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

Motion: Commissioner Phillip Walker moved to approve the Consent Agenda. Commissioner Chad McLeod seconded.

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

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

APPROVAL OF MINUTES (with any amendments)

* City Commission Minutes 07/25/22 - 08/01/22
* Utility Committee Minutes 08/01/22

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

REQUESTS TO APPEAR FROM THE GENERAL PUBLIC

Amy Wiggins, President & CEO Lakeland Chamber of Commerce, Gow Fields, Chair of Lakeland Chamber Foundation, Albert Lee, President and CEO of BBIC, James Randolph, Vice-Chair of BBIC, and Fabian Yepez, Vice-Chair of Prospera – West Coast of Florida spoke. They were requesting $800,000 in ARPA funds to support small business entrepreneurs. They would like the funds divided into quarterly payments.

The Commission discussed:

- Their willingness to take a lesser amount if that is what the Commission could provide.
- The request was for the full amount to be paid in FY2023.
- This was ARPA funds for citizens here in Lakeland. The money would not be for the Chamber.
- Citizens do not have to be members of the Chamber to take advantage of the services.
- Both groups serve everyone regardless of background and color. The number one issue is access. Right now, there is no easy way for citizens to access services of BBIC and Prospera.
- If the City provided less than $800,000, LCF will work to add to those funds. They can also ask the County. The LCF being a public foundation, will be able to take private donations. The BBIC and Prospera will be out in the public mostly.
- The largest gift of the LCF was the original gift from Mr. Jenkins. Most other gifts have been add-ons to Chamber memberships.
- Leadership by the City would encourage others to contribute. When we did the economic summit, there were huge gaps in this area. BBIC and Prospera offer ways to connect that do not exist in the community today. They provide needed coaching.
- At some level, there would be a need for continued support from the City.
- Money would be dispersed as business loans.
- The Chamber wanted to make sure they had a Diversity, Equity, and Inclusion (DEI) commitment. The Chamber has not had that before.
- These programs will make people feel more comfortable going to the Chamber.

Shawn Sherrouse explained this came out of the budget workshop. There was also another request from the Mayor's Council on the Arts. That presentation will be the first meeting in September. Staff has been considering these requests and can make recommendations after that second presentation.

PUBLIC HEARINGS

Ordinances (Second Reading)

Ordinance 5940; Proposed 22-028; Voluntary Annexation of Approximately 8.52 Acres Located at 5149 Swindell Road (1st Rdg. 08-01-22)

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

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, Bill Read, and Mayor Bill Mutz voted aye. Ayes-six. Nays-zero. The motion carried unanimously.

Proposed 22-029; Approving a Conditional Use to Allow for Off-Street Parking as a Principal Use on Property Located at 411 E. Orange Street (1st Rdg. 07-18-22) (Cont. 08-01-22)

AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; APPROVING A CONDITIONAL USE TO ALLOW FOR OFFSTREET PARKING AS A PRINCIPAL USE ON PROPERTY LOCATED AT 411 E. ORANGE STREET; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title and explained the applicant requested a continuance until September 6, 2022.

Motion: Commissioner Sara McCarley moved to continue the public hearing to September 6, 2022. Commissioner Phillip Walker seconded.

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

Action: Upon roll call vote Commissioners Bill Read, Stephanie Madden, Sara McCarley, Mike Musick, Phillip Walker, and Mayor Bill Mutz voted aye.

Commissioner Chad McLeod was absent at that time. Ayes – six. Nays – zero. The motion carried unanimously.

Ordinance 5941; Proposed 22-031; Small Scale Amendment #LUS22-003 to the Future Land Use Map to Apply Business Park (BP) Land Use on Approximately 8.52 Acres Located at 5149 Swindell Road (1st Rdg. 08-01-22)

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22003 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; PROVIDING FOR THE APPLICATION OF A FUTURE LAND USE DESIGNATION OF BUSINESS PARK (BP) ON APPROXIMATELY 8.52 ACRES LOCATED AT 5149 SWINDELL ROAD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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, Stephanie Madden, Bill Read, Chad McLeod, and Mayor Bill Mutz voted aye. Commissioner Sara McCarley was absent at that time. Ayes-six. Nays-zero. The motion carried unanimously.

Ordinance 5942; Proposed 22-032; Application of I-2 (Medium Industrial) Zoning and Suburban Special Purpose (SSP) Context District Designation on Approximately 8.52 Acres Located at 5149 Swindell Road (1st Rdg. 08-01-22)

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

Palmer Davis read the short title.

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

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

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

Ordinance 5943; Proposed 22-034; Amending Ordinance 4547, as Amended; Major Modification of PUD Zoning for Tract E of Morgan Creek Preserve to Allow for the Construction of 5 Single-Family Detached Homes on Approximately 35.08 Acres Generally Located South of Medulla Road, East of Hamilton Road and North of W. Pipkin Road (1st Rdg. 08-01-22)

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4547, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PUD (PLANNED UNIT DEVELOPMENT) ZONING FOR TRACT E OF MORGAN CREEK PRESERVE ON APPROXIMATELY 35.08 ACRES LOCATED SOUTH OF MEDULLA ROAD, EAST OF HAMILTON ROAD AND NORTH OF W. PIPKIN ROAD, TO ALLOW FOR THE CONSTRUCTION OF 5 SINGLEFAMILY DETACHED HOMES; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

Palmer Davis read the short title.

Motion: Commissioner Mike Musick moved to approve the ordinance. Commissioner Chad McLeod seconded.

Chuck Barmby gave a brief presentation on the ordinance. The PUD modification approved by the Planning & Zoning Board now proposes five, five-acre lots instead of the 56 lots denied by the City Commission in 2021 and the 49 lots that were originally requested by the developer with the current application, the subject of the initial Planning & Zoning Board public hearing in 2022.

William Molloy was present representing the applicant. He had nothing to add but was here for any questions.

The Commission discussed:

- Connections to Hamilton Rd.
- Tree canopies extending the life of the roadway.
- City sewage vs. septic tank.
- Site approval and easements.
- Compatibility with surrounding sites.

- The possibility of subdividing the 5-acre tracts. Any changes would require a change to the PUD, which would require two public hearings before the Planning & Zoning and the City Commission.
- The swale on the northside of the development.
- The roads will be urban in design with curb and gutter to direct runoff to the creek.
- The timeline for Hamilton Rd improvements.

Public Comments:

John Joyner, 3830 Hamilton Rd., agreed this was a nice layout. Spoke about the costly road improvement requirements to develop 10 acres near the site.

Ryan Gillispie: Nothing has changed since the Commission's previous denial. The developer has made it worse by planning for septic tanks over City wastewater. The County has opined that the property is not appropriate for septic tanks and should connect to City sewer. He felt there was a hidden agenda. It was not profitable the way it was laid out. The developer was not being honest about their agenda. This would be ideal property to be used as wetland credits for further development of the airport.

Lance Baker of 4560 Hamilton Rd. In October of.: Oct 2020, Mr. Wood was the applicant before the Polk County Planning Commission. He promised no septic tanks at that time. The County approved this project when they thought it was going to be on City sewer. The County said they would require a letter from the City guaranteeing water and wastewater service to that development. The corrections to the infrastructure should be in place before new development is permitted. This will just add more problems to the area.

Bill Friend emailed the Commission last night and the transcripts from the County meeting and the plans for the trailer parking lot. All the property in the area is owned by family and they are selling so more warehouses are coming. Constructive development is on every one of the Commissioners serving today. He asked the Commission to not vote today and think about it first.

LeAnne Joyner thanked the Commission for considering the impact of this development on her home. She wished the County had done the same. The City's requirement for a major roadway through the property has impacted the developer's decision to ask for greater density. That is the only way to make a profit. The density is what the community opposed. She asked the Commission to reconsider the roadway requirement to bring about lower density.

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

Ordinance 5944; Proposed 22-035; Amending Ordinance 3596; Major Modification of PUD Zoning to Allow C-6 Office, Commercial and Residential Use on Property Located at 300 W. Lime Street (1st Rdg. 08-01-22)

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

Palmer Davis read the short title.

Commissioner Chad McLeod declared a conflict. His form is attached to the end of these minutes.

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

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

Bart Allen of Peterson & Myers gave a brief presentation. The Ledger building was originally approved in the mid-90s. A PUD facilitated the office and the print shop. At that time the zoning was C6. The applicant wanted to redevelop the underused portions of the site and maintain the legal existence of The Ledger.

Stacy Witschen of The Lunz Group explained the applicant wanted to amend the PUD to keep the current Ledger building and develop to the north and the south of the Ledger building. They plan to keep the stormwater pond in place. They were also looking to extend the City's bike path network.

The Commission discussed:

- Height – 120 ft. The Commission encouraged height and greater density.
- The Commission was excited to see the development of Downtown West.

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

Ordinance 5945; Proposed 22-036; Small Scale Amendment #LUS22-005 to the Future Land Use Map to Change Future Land Use from Business Park (BP) to

Residential Medium (RM) on Approximately 0.9 Acres Generally Located South of Olive Street, East of Oregon Avenue and West of Beech Avenue (1st Rdg. 08-01-22)

> AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR SMALL SCALE AMENDMENT #LUS22005 TO A CERTAIN PORTION OF THE FUTURE LAND USE MAP OF THE LAKELAND COMPREHENSIVE PLAN: OUR COMMUNITY 2030; CHANGING THE FUTURE LAND USE DESIGNATION ON APPROXIMATELY 0.9 ACRES LOCATED SOUTH OF OLIVE STREET, EAST OF OREGON AVENUE AND WEST OF BEECH AVENUE FROM BUSINESS PARK (BP) TO RESIDENTIAL MEDIUM (RM); PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Tom Wodrich made a brief presentation on behalf of the applicant.

The Commission discussed:

- The applicant meeting with Ms. Pickett.
- Parking spaces (183), which was higher than required.
- Unit mix: 20% 1-bd, 50% 2-bd, and 40% 3-bd.
- The applicant will come to the City for funding for an LGAO. That goes to help secure State funding for affordable housing.
- Swan Landing Phase II on Griffin Rd

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

Ordinance 5946; Proposed 22-037; Change in Zoning from I-1 (Light Industrial) and RA-4 (Single-Family Residential) to PUD (Planned Unit Development) on Approximately 9.1 Acres and the Application of Urban Neighborhood (UNH) Context District on Approximately 0.6 Acres, to Allow a Three-Story, Multi-Family Residential Development with a maximum of 96 Dwelling Units on Property Generally Located South of Olive Street, East of Oregon Avenue and West of Beech Avenue (1st Rdg. 08-01-22)

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

Palmer Davis read the short title.

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

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

Action: Upon roll call vote Commissioners 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.

Ordinances (First Reading)

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

AN ORDINANCE RELATING TO LOCAL GOVERNMENT COMPREHENSIVE PLANNING; MAKING FINDINGS; PROVIDING FOR LARGE SCALE AMENDMENT #LUL22003 TO THE FUTURE LAND USE MAP OF THE CITY OF LAKELAND COMPREHENSIVE PLAN TO CHANGE APPROXIMATELY 101.46 ACRES OF BUSINESS PARK (BP) TO RECREATION (R) ON PROPERTY LOCATED AT 4190 W. PIPKIN ROAD; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Chuck Barmby gave a brief presentation. Staff requested a motion to transmit the ordinance to the State Department of Economic Opportunity.

Bob Donahay gave a brief history. The City began planning a library in southwest Lakeland years ago. It would not be on the scale of the Jackson or Main branches.

Motion Commissioner Mike Musick moved to transmit the ordinance. Commissioner Chad McLeod seconded.

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

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

Resolutions

Resolution 5768; Proposed 22-032; Adoption of FY 2023 Lot Clearing and Demolition Non-Ad Valorem Assessment Roll for Collection Utilizing Uniform Method of Collection

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO NON-AD VALOREM ASSESSMENTS; ADOPTING FINDINGS OF FACT; ADOPTING A NON-AD VALOREM ASSESSMENT ROLL FOR UNPAID LOT CLEANING AND CLEARING AND DEMOLITION NON-AD VALOREM ASSESSMENTS; ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING SAID ASSESSMENTS; AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO CERTIFY THE ASSESSMENT ROLL TO THE TAX COLLECTOR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title and explained the process. Every other meeting the Commission meets as the Equalization Board and imposes these liens. If they are not paid by the end of the year, they are added to the property tax bill.

Motion: Commissioner Phillip Walker 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.

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

Resolution 5769; Proposed 22-033; Adoption of FY 2023 Orangewood Community Subdivision Non-Ad Valorem Assessment Roll for Collection Utilizing Uniform Method of Collection

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO NON-AD VALOREM ASSESSMENTS; ADOPTING FINDINGS OF FACT; ADOPTING A NON-AD VALOREM ASSESSMENT ROLL FOR THE ORANGEWOOD COMMUNITY SUBDIVISION; ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING THE ASSESSMENT; AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO CERTIFY THE ASSESSMENT ROLL TO THE TAX COLLECTOR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Chad McLeod moved to approve the resolution. Commissioner Stephanie Madden seconded.

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

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

Resolution 5770; Proposed 22-034; Adoption of FY 2023 Heatherpoint Drive Non-Ad Valorem Assessment Roll for Collection Utilizing Uniform Method of Collection

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO NON-AD VALOREM ASSESSMENTS; ADOPTING FINDINGS OF FACT; ADOPTING A NON-AD VALOREM ASSESSMENT ROLL FOR CERTAIN LOTS ABUTTING THAT PORTION OF HEATHERPOINT DRIVE LOCATED NORTH OF AUDUBON OAKS CIRCLE, IN THE CITY OF LAKELAND; ELECTING TO UTILIZE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM ASSESSMENTS, AS AUTHORIZED UNDER SECTION 197.3632, FLORIDA STATUTES, FOR COLLECTING SAID ASSESSMENTS; AUTHORIZING THE CITY ATTORNEY OR DESIGNEE TO CERTIFY THE ASSESSMENT ROLL TO THE TAX COLLECTOR; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

These assessments were the road and drainage at Heatherpoint Drive. The local property owners were repaying it through taxes over a 10-year period.

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.

COMMUNITY REDEVELOPMENT AGENCY – None

CITY MANAGER

Recommendation re: Change Order with Hubbard Construction Company for Taxiway E Rehabilitation and Taxiway S Construction at Lakeland Linder International Airport

The Taxiway E Rehabilitation and Taxiway S Construction project located in the southwest quadrant of Lakeland Linder International Airport is now complete. Final reconcilements of all quantities were completed and incorporated into this final Change Order No. 2 in the amount of $66,590.72. This change increased the contract with Hubbard Construction Company to $4,940,839.02.

Major elements in Change Order No. 2 included final quantity adjustments for additional sodding of $51,322.10, LED airfield signage for $8,000, overall quantity differences pertaining to pavement, electrical, and pipe related costs of $18,150.68, a reduction for Resident Project Representative (RPR) office costs of $19,600, and all other quantity reconcilements contributing a cost of $8,717.94.

This project is funded through a 100% Federal Aviation Administration (FAA) reimbursable grant for FAA eligible costs totaling $5,564,357.00, with FAA ineligible costs funded through an 80% Florida Department of Transportation (FDOT) Grant totaling $481,225.00. The Airport is responsible for funding the remaining 20% totaling $120,306.00. The Airport's share will be funded through available balances in the Airport's portion of the 2021 Bond Issuance.

Staff recommended that the City Commission authorize appropriate City Officials to enter into Change Order No. 2 with Hubbard Construction Company for $66,590.72 and to authorize utilization of the Airport's available bond funds. No additional appropriations are required to accommodate this request.

Shawn Sherrouse presented this item.

Motion: Commissioner Sara McCarley moved to approve the recommendation. 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 6-0. Commissioner Mike Musick was absent at that time.

Recommendation re: Task Authorization with Kimley-Horn and Associates, Inc. for the Downtown Parking Management Plan Update

Public Works is requesting that the City Commission approve a task authorization with Kimley- Horn to update the 2016 Downtown Parking Management Study for the not-to-exceed amount of $123,000.

In 2016, the City engaged Kimley-Horn to study parking in our downtown. The purpose of the study was to evaluate existing parking supply and demand in the City, taking into consideration the parking perceptions of the public, residents, and business owners to identify appropriate parking solutions and develop management strategies to meet the current needs and the needs of future development through the growth of a Parking Management Plan.

Since May of 2016, the following have occurred in our downtown:

- Parking Services has purchased and implemented License Plate Recognition (LPR)
- Upgraded the handheld devices used by our Parking staff
- Construction of the Heritage Garage
- Construction of the Summit Garage
- Increased parking citation fees
- Modified public parking lease lengths for private businesses

The following development/redevelopment has occurred in the downtown since 2016:

- Summit
- NoBay
- Mirrorton
- Heritage Plaza
- Community & Economic Development reports inquiries for wastewater demand for future projects includes approximately 2,000 dwelling units

Kimley-Horn will provide planning services based on their project understanding of the City's goals associated with the development of a parking management plan. The following is an outline of tasks to be completed:

- Supply, Demand, and Parking Adequacy Study
- Plan to address current and future parking demand in the area
- Community engagement to establish parking needs and priorities in Downtown
- Policy recommendations to guide parking decisions, funding, and management

A not-to-exceed fee of $123,000 has been negotiated under the City's Continuing Professional Services Agreement with Kimley-Horn and summarized in the attached Task Authorization. Funding for this project is available in the FY 2022 Transportation Fund CIP.

Staff recommended that the City Commission approve a Task Authorization to Kimley-Horn in the amount of $123,000 for the Downtown Parking Management Plan Update and authorize the appropriate City staff to execute the Task Authorization on behalf of the City.

Shawn Sherrouse presented this item. Staff will give an update when the study is complete.

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.

Recommendation re: Community Development Block Grant Mitigation Program Subrecipient Agreement Between the State of Florida Department of Economic Opportunity and City of Lakeland for the Lake Bonnet Drainage Basin Flood Hazard and Debris Mitigation Project

The City of Lakeland has been awarded Forty-Two Million Nine Hundred Eighty-Six Thousand Three Hundred Ninety Dollars ($42,986,390) in Community Development Block Grant – Mitigation (CDBG-MIT) funding for the Lake Bonnet Drainage Basin Flood Hazard and Debris Mitigation Project from the Florida Department of Economic Opportunity (DEO). The fully reimbursable grant is in support of the U.S. Department of Housing and Urban Development's program to fund eligible projects that demonstrably increase community resilience through infrastructure projects such as rehabilitation of stormwater management systems, improvement to drainage facilities, and restoration of critical infrastructure.

The project funded through this grant will consist of wetland restoration, development of flood mitigation facilities, and infrastructure retrofit to reduce flood risk for the May Manor Mobile

Home Park and surrounding areas. The project will consist of three (3) phases: Phase I: Feasibility Study; Phase 2: Design and Engineering; and Phase 3: Construction.

During the initial feasibility study phase, the City's consultant will evaluate mitigation project activities for eligibility with program requirements; coordinate with permitting agencies; establish the environmental review processes; coordinate with the public at large and private property owners for potential acquisition and develop a project implementation plan. Based on the feasibility study recommendations, the City will submit a revised scope of work, project schedule, and detailed project budget for DEO's review and close-out of the feasibility study prior to commencing Phase 2 and Phase 3.

The parties anticipate the total cost of the project will be $42,986,390. DEO agrees to reimburse the City for 100% of all allowable costs upon completion of scheduled project deliverable milestones at no less than 5% of the total deliverable cost.

The initial funding for Deliverables No. 1 and No. 2 will be provided by an internal loan to be disbursed as needed. First-year projects costs are estimated to be $2,226,371 (Phase 1 plus 1/6th of the Project Implementation costs) with the remainder of the Project Implementation to be completed over the next five years. Annual interest of approximately $157,000 will be paid from the unappropriated surplus of the Stormwater Utility Fund and the principal of which will be re- paid with grant funds as they are reimbursed upon completion of deliverables.

PROJECT BUDGET:

DESCRIPTION	**TOTAL**
Deliverable No. 1 – Project Implementation	$5,432,226.00
Deliverable No. 2 – Phase 1 Feasibility Study	$1,321,000.00
Deliverable No. 3 – Phase 2 Design and Engineering	$2,560,000.00
Deliverable No. 4 – Phase 3 Construction	$33,673,164.00
TOTAL	**$42,986,390.00**

Staff recommended that the City Commission authorize the appropriate City officials to execute the CDBG-MIT Funding Agreement between the DEO and the City of Lakeland for the Lake Bonnet Drainage Basin Flood Hazard and Debris Mitigation Project.

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

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

The Commission discussed:

- Procurement: The City will go out for procurement for the work. They will find an environmental consultant and then an engineer. Professionals will bid on the project.
- The City could apply for additional funds should the bids come in high.

- There were many factors that contributed to delays. The City's scope of work was due last year. DEO received the City's scope in August of last year. They commented this was the biggest grant they had ever had. It is complicated and there was a learning curve. Plus, DEO had significant turnover. There have been 5 grant managers. Laurie Smith did not expect the delays to continue.
- It was a new opportunity and the DEO had never dealt with a grant this size before. City staff was providing expertise for DEO. It is a critical component to Florida water.
- The team must procure each phase so it will not be a quick turnaround.

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

CITY ATTORNEY

Ordinances (First Reading)

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

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

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing when proposed ordinance 22-033 returns from DEO.

Proposed 22-039; Approving a Conditional Use to Allow a Multi-Use Park with Outdoor Recreation Areas and Playfields on Approximately 101.46 Acres Located at 4190 W. Pipkin Road

> AN ORDINANCE RELATING TO ZONING; APPROVING A CONDITIONAL USE TO ALLOW A MULTI-USE PARK WITH OUTDOOR RECREATION AREAS AND PLAYFIELDS ON APPROXIMATELY 101.46 ACRES LOCATED AT 4190 W. PIPKIN ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

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 when proposed ordinance 22-033 returns from DEO.

Resolutions

Resolution 5771; Proposed 22-035; Amending Resolution 5721, as Amended; Excepting Certain Positions from Civil Service

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO CIVIL SERVICE; AMENDING RESOLUTION 5721, AS AMENDED, TO EXCEPT CERTAIN EMPLOYEE POSITIONS FROM THE CIVIL SERVICE SYSTEM PURSUANT TO SECTION 10 OF DIVISION II OF THE CHARTER OF THE CITY OF LAKELAND; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Chad McLeod moved to approve the resolution. Commissioner Stephanie Madden seconded.

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

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

Resolution 5772; Proposed 22-036; Renaming a Portion of N. Sloan Avenue, a Public Roadway within the Corporate Limits of the City of Lakeland, to "Bonnet Springs Boulevard"

> A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO PUBLIC STREETS; MAKING FINDINGS; RENAMING A PORTION OF N. SLOAN AVENUE BETWEEN W. MAIN STREET AND W. CHASE STREET TO "BONNET SPRINGS BOULEVARD"; 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.

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.

Resolution 5773; Proposed 22-037; Authorizing the Execution of an Amended Grant Agreement with the Florida Department of Transportation for Financial Project No. 445718-1-94-01 for the Upgrading to a Category III ILS at Lakeland Linder International Airport

> A RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL MULTI YEAR GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ADD STATE AND LOCAL FUNDING FOR THE UPGRADING TO A CATEGORY III INSTRUMENT LANDING SYSTEM (ILS) AT LAKELAND LINDER INTERNATIONAL AIRPORT; ADOPTING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Phillip Walker 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 Phillip Walker, Mike Musick, Sara McCarley, Stephanie Madden, Bill Read, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-seven. Nays-zero. The motion carried unanimously.

Resolution 5774; Proposed 22-038; Authorizing the Execution of an Amended Grant Agreement with the Florida Department of Transportation for Financial Project No. 450204-1-94-01 for the Relocation of Taxiway P at Lakeland Linder International Airport

> A RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMETAL GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION TO ADD STATE AND LOCAL FUNDING FOR THE RELOCATION OF TAXIWAY P PROJECT AT LAKELAND LINDER INTERNATIONAL AIRPORT; ADOPTING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

Motion: Commissioner Stephanie Madden 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.

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.

Resolution 5775; Proposed 22-039; Authorizing the Execution of a Grant Agreement with the Federal Aviation Administration for Grant Number 3-12-0041-049-2022 for the Relocation of Taxiway P at Lakeland Linder International Airport

> A RESOLUTION AUTHORIZING EXECUTION OF AN AIRPORT GRANT AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION TO RECEIVE FEDERAL FUNDING FOR THE RELOCATION OF TAXIWAY P PROJECT AT LAKELAND LINDER INTERNATIONAL AIRPORT; ADOPTING FINDINGS; 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 Phillip Walker, Mike Musick, Sara McCarley, Stephanie Madden, Bill Read, Chad McLeod, and Mayor Bill Mutz voted aye. Ayes-seven. Nays-zero. The motion carried unanimously.

Miscellaneous Reports

Memo re: Emergency Water Service Agreement with Polk City to Continue Providing Both Parties Temporary Water Service on an Emergency Basis Through Existing Interconnect Facilities

This Emergency Water Service Agreement was to permit the City of Lakeland and Polk City to continue providing both parties temporary water service on an emergency basis using the existing interconnect facilities.

In 2011, an emergency interconnect facility to serve Polk City and City of Lakeland was constructed and placed into service to provide temporary potable water service to both parties on an emergency basis. An interconnect agreement was approved by the City Commission on June 6, 2011 and was fully executed by both parties with an effective date of July 11, 2011.

The initial term of the agreement was ten years with options for extensions of four (4) five (5) year consecutive terms upon mutual written consent by both parties. In the absence of a written signed extension, the agreement was set to expire on its own accord. Neither party initiated a request for an extension of the agreement within the initial ten-year period; thus, the original agreement expired on July 11, 2021.

The uninitiated request for the extension was simply an oversight and both parties desire to continue providing emergency water service through the interconnect facilities. The original agreement was updated and has been reviewed by the City Attorney of both parties.

Staff recommended that the City Commission approve the Emergency Water Service Agreement with Polk City to continue providing both parties temporary water service on an emergency basis through existing interconnect facilities and that the appropriate City officials be authorized to execute the Agreement.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Sara McCarley moved to approve the agreement. 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.

Memo re: Engineering Services Agreement with Hazen and Sawyer, Inc. for Downtown Wastewater Master Plan

This proposed Task Authorization with Hazen and Sawyer, Inc. was to perform professional services associated with a Downtown Wastewater Master Plan.

The City is experiencing significant growth in the downtown area, thereby increasing flow demands on its wastewater infrastructure. The Water Utilities Department desires to ensure that the wastewater collection system is appropriately sized and configured to support this expected growth. The majority of the downtown collection system is comprised of vitrified clay, cast iron or concrete gravity mains installed in the early to mid-1900's. Projects such as high density, multi-story buildings pose challenges to the existing piping network.

Under the Task Authorization, Hazen & Sawyer will utilize the City's current system model, work in conjunction with City staff to determine future development and growth patterns for 5-year increments out to 2045 and determine upgrades necessary to support these projections. Identified projects will be placed in the Water Utilities Capital Improvement Plan. It is expected that some type of master pump station and force main will be required to transport this increased flow to the nearest transmission main.

All services pursuant to this Task Authorization will be performed in accordance with the terms and conditions set forth in the Continuing Agreement for Municipal Engineering Services between the City and Hazen & Sawyer previously approved by the City Commission in October 2021. The total cost associated with this Task Authorization is $117,050. This project has been budgeted in Water Utilities' FY 2022 budget.

Staff recommended that the City Commission approve the Task Authorization with Hazen and Sawyer, Inc. for a Downtown Wastewater Master Plan and that the appropriate City officials be authorized to execute the Agreement.

Palmer Davis presented this item to the Commission.

Motion: Commissioner Phillip Walker moved to approve the agreement. Commissioner Chad McLeod seconded.

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

The Commission discussed:

- System depreciation. Robby Kniss explained the City keeps the pipes in serve through rehab and repair. They slip line them where possible. Maintenance and replacement were built into the budget.
- Shawn Sherrouse: The funding is not provided through a depreciation schedule but rather through the Capital Improvement Plan.
- This study is not to tell the City the condition of the pipes. It is to tell the City the size of the flow to ensure capacity expansion.

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

Memo re: Swan Landing Multi-Family Project HOME Program and City Funding Agreement with Blue Griffin Terrace, LLC for a Proposed Affordable Housing Community Located on Griffin Road

This funding agreement in the amount of $460,000 between the City of Lakeland and Blue Griffin Terrace, LLC (Blue Griffin) was to provide funding to support the construction of Swan Landing, a proposed eighty-eight (88) unit affordable housing community located on Griffin Road, south of the intersection of Highland Fairways Boulevard, in the City of Lakeland.

On September 15, 2020, the City of Lakeland released RFA 2021 to provide a Local Government Contribution to leverage the City's affordable housing funds and assist a developer in securing the award of housing credit financing for the development of affordable housing. In response, the City received applications from three (3) developers; Green Mills Group, Blue Griffin Terrace, LLC, and Twin Lakes III, Ltd. Upon review of the applications, it was determined that all three developers have vast experience in the development of affordable housing. On October 8, 2020, recommendations were presented to the Affordable Housing Review Committee with representatives from the Community and Economic Development Department, Lakeland Electric, Water Utilities, Building Inspection, and members from the Affordable Housing Advisory Committee. After a thorough review, the Affordable Housing Review Committee recommended award of the funds outlined in the table below, which recommendation was adopted by the City Commission in officially committing the funding in October 2020.

Funding Source		CRA	City	HOME	Total
Funding Available		$ 350,000.00	$ 250,000.00	$ 210,000.00	$ 810,000
	Requested	Awarded			
Swan Landing	$ 460,000.00	$ -	$ 250,000.00	$ 210,000.00	$ 460,000
Griffin Lofts	$ 460,000.00	$ -	$ -	$ -	$
Twin Lakes III	$ 460,000.00	$ -	$ -	$ -	$
Total Award					$ 460,000

Under the proposed Agreement, the City of Lakeland will provide a maximum of $460,000 of funding, $250,000 from the General Fund, with the other $210,000 being passed through from the United States Department of Housing and Urban Development (HUD) HOME Investment Partnership Program (HOME). The funding will be subject to Blue Griffin Terrace, LLC receiving an award of housing credit financing from Florida Housing Finance Corporation RFA 2020-201. The City's funding requires two units to be reserved for household incomes of 80% AMI or less, and one unit reserved for household incomes of 50% AMI or less. The City's funding is secured via a 20-year promissory note and mortgage as well as a recorded land use restrictive agreement.

Staff recommended that the appropriate City officials be authorized to execute the agreement and associated documents with Blue Griffin Terrace, LLC.

Staff also requested that the City Commission authorize an appropriation in the amount of $250,000 from the unappropriated surplus of the General Fund.

Palmer Davis presented this item.

Motion: Commissioner Phillip Walker moved to approve the recommendation. Commissioner Chad McLeod seconded.

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

The Commission requested a little more information.

Mike Smith, Housing Programs Manager, explained this was the City's local government contribution for them to win the award. Our contribution is tied to a specific number of units. The entire project will be affordable with funding from the State.

Angela Hatch of Blue Sky thanked the Commission for the City's support on Phase I. They should be closing on all financing with tax credits for Swan Landings soon.
Commissioner Chad McLeod left at 1:10 p.m.

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

Settlement Agreement - Yola Gifford vs. City of Lakeland

Palmer Davis presented this item. Ms. Gifford was involved in a head-on collision with a Police officer. She agreed to $157,500 for full release.

Motion: Commissioner Mike Musick moved to approve the settlement. 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, 6-0.

Memo re: Use Agreement with Central Florida Basketball Partners, LLC (Lakeland Magic)

This Use Agreement between the City of Lakeland and Central Florida Basketball Partners, LLC was for the use of the RP Funding Center by the Lakeland Magic of the NBA G-League. Central Florida Basketball Partners is an affiliate of the Orlando Magic.

The Lakeland Magic ("Magic") have been playing at the RP Funding Center for the past five years and are seeking a one-year contract to continue playing their home games at the Center for the upcoming season. The parties have had discussions about a five-year contract, but the naming rights for the Center are currently under negotiation, precluding a longer-term contract at the present time.

The one-year Use Agreement largely incorporates the terms and conditions of the immediately preceding Agreement between the parties, with the following material modifications:

- The Agreement will commence upon execution by the parties and expire on June 30, 2023.
- The Use Fee to be paid by the Magic will increase from $8442 per game to $9,000 per game.
- The Magic will be a non-exclusive sales agent for Center assets.
- Apart from the naming rights for the Center as a whole, revenue derived from advertising, naming, and signage relating to Center assets will be subject to a 50-50 split by the parties. Revenue sharing under the previous Agreement was subject to a split of 70% to the Magic and 30% to the City.
- With respect to the naming rights for the Center as a whole, the City retains the right to negotiate with third parties and to reject any naming rights deal that does not provide the City with the greater of $250,000 per year or 50% of naming rights revenue.
- The City will pay the Magic $3.00 per parking ticket on all paid vehicle parking for games. This is consistent with what the City pays other sports teams utilizing the RP Funding Center. The City paid the Magic $2.00 per parking ticket under the previous Agreement for all games with attendance of 2,500 or greater.

Staff recommended that the City Commission authorize City staff to finalize an agreement with Central Florida Basketball Partners, LLC in substantial accordance with the terms and conditions set forth in the Use Agreement and authorize the appropriate City officials to execute the finalized Use Agreement.

Palmer Davis 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.

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

FINANCE DIRECTOR – None

UTILITY

Ordinances – None
Resolutions – None

Miscellaneous

* **Memo re: Approval of the Standard Continuing Contract for Electrical Power Engineering Services and Authority to Negotiate Continuing Contracts with Short-Listed Firms**

In accordance with the Consultant's Competitive Negotiation Act, the City's Purchasing Department recently issued Request for Qualification (RFQ) #2189 requesting qualifications from qualified firms to provide professional Electrical Power Engineering Services pursuant to a continuing contract. A total of twenty (20) firms responded to the City's RFQ. A Selection Committee, comprised of City staff from Energy Production, Energy Delivery and Water, evaluated the firms based on the following overall criteria:

- Capability and adequacy of professional personnel
- Response to the requirements set forth in the public announcement
- Experience and past performance
- Willingness to meet time and budget requirements
- Office location from where work will be performed
- Recent, current, and projected workloads
- Volume of work previously awarded to the firm

After review of the proposals by the Selection Committee, the following eleven (11) firms listed below, in the order in which they were ranked, have been short listed:

Company Name	Location
1. Burns & McDonnell Engineering Company, Inc.	Maitland, Florida
2. Sargent & Lundy, LLC	Tampa, Florida
3. Black & Veatch	Orlando, Florida
4. TEAMWORKnet, Inc.	Lakeland, Florida
5. POWER Engineers, Inc.	Maitland, Florida
6. Enercon Services, Inc.	Kennesaw, Georgia
7. Kiewit Engineering Group, Inc.	Orlando, Florida
8. Commonwealth Associates, Inc.	Jackson, Michigan
9. BHI Engineering, Inc.	West Palm Beach, Florida
10. Pickett and Associates, LLC	Lakeland, Florida
11. KCI Technologies, Inc.	Tampa, Florida

Included with this approval request is a copy of the City's standard continuing contract for professional Electrical Power Engineering Services that the City will enter into with the above-specified firms once approved by the City Commission. By entering into a continuing contract with these firms, the City will be able to utilize and benefit from a broad scope of professional Electrical Power Engineering Services. The continuing contract is a zero-dollar Agreement pursuant to which all work will be performed under separately issued Task Authorizations requiring appropriate City approval based on the dollar value of services provided. The initial term of the Agreement is for a period of three (3) years, with two (2) additional one (1) year renewal options upon mutual written agreement of the parties.

Staff recommended that the City Commission approve the above-short-listed firms and authorize the appropriate City officials to negotiate and enter into continuing contracts with the above-specified firms for professional Electrical Power Engineering Services.

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

Memo re: Task Authorization with E.C. Fennell, P.A. for the Dranefield to Hamilton 69kV Transmission and Distribution Line Engineering Design

This proposed Task Authorization with E.C. Fennell, P.A. (ECF) was for the engineering design of the Dranefield to Hamilton 69kV transmission line. The 69kV transmission line, which is approximately 5.6 miles long, will electrically connect the Dranefield Substation to the proposed Hamilton Substation. The Hamilton Substation is being constructed to meet load growth in the southwest portion of Lakeland Electric's service territory. Pursuant to this Task Authorization, ECF will provide the following services:

- Design of the transmission line with existing or new underbuilt distribution circuits
- Preparation of framing drawings.
- Check foundation requirements against Lakeland Electric Standards using soil borings.
- Provide a list of required poles to order and review steel pole shop drawings.
- Prepare Federal Aviation Administration, County, and City permit packages.
- Prepare framing type spreadsheet and staking charts.
- Obtain pre-design locates as needed.
- Perform Electric and Magnetic Field calculations.
- Determine if any utility or aerial easements are required and provide information for easement acquisition.
- Provide assistance during construction, including resolution of construction issues and site visits.

Upon approval by the City Commission, ECF will commence services, which are anticipated to be completed by April 2023. 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 Electrical Engineering Services with ECF approved by the City Commission on October 1, 2017, and ECF's proposal dated August 3, 2022. All reimbursable expenses shall be paid in accordance with the City's Consultant Expense Reimbursement Policy. The total not-to-exceed cost of the services is estimated to be $156,205 and is included in Lakeland's FY 2022 budget.

Staff recommended that the City Commission approve this Task Authorization with ECF for the Dranefield to Hamilton 69kV transmission and distribution line engineering design and authorize the appropriate City of officials to execute all corresponding documents related to the Task Authorization.

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, 6-0. Commissioner Chad McLeod was absent at that time.

Memo re: Agreement with Siemens Energy, Inc. for a Long-Term Employee Training Program for McIntosh Unit 5

This Agreement with Siemens Energy, Inc. (Siemens) was for a Long-Term Employee Training Program for McIntosh Unit 5. With the closure of Unit 3, the McIntosh Power Plant has experienced a significant turnover in personnel. In addition, many of the employees that were retained are now in the City's DROP program approaching retirement. Consequently, there is a shortage of skilled employees to replace those that have left following the closure of Unit 3 or due to retirement. As such, the Long-Term Employee Training Program offered by Siemens will help ensure that Lakeland Electric has a plan in place to quickly develop and grow new qualified personnel to operate Unit 5.

The City's Purchasing Department has approved Siemens as a sole source supplier for the employee training, as Siemens is the Original Equipment Manufacturer of Unit 5, of which there are only twenty-four (24) similar units in the world. Pursuant to the Agreement and effective upon City Commission approval, Siemens will provide four (4) annual one (1) week training sessions for Lakeland Electric employees over a period of three (3) years. The Agreement is governed by Siemens' Proposal 22-082 (Rev2) dated August 3, 2022. The total cost for training is $60,000 per year. The first year of training is included in Lakeland Electric's FY22 budget, with the remaining two (2) years subject to budget approval by the City Commission. The total cost for the three (3) year training program is $180,000.

Staff recommended that the City Commission approve this Agreement with Siemens and authorize the appropriate City officials to execute all corresponding documents for a long-term employee training program for McIntosh Unit 5.

Ramona Sirianni presented this item to the Commission.

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

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

The Commission thanked staff for planning for the future.

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

AUDIENCE - None

MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Mike Musick recently traveled to Oslo and was impressed with all the biking and walking.

CALL FOR ADJOURNMENT – 1:20 p.m.

H. William Mutz, Mayor

Kelly Koos, City Clerk

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1. 1885

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME McLeod - Chad - Edward	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Lakeland City Commission
MAILING ADDRESS 228 S. Massachusetts Ave.	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☑ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: Lakeland 33801 COUNTY: Polk	NAME OF POLITICAL SUBDIVISION: City of Lakeland
DATE ON WHICH VOTE OCCURRED Aug. 15, 2022	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Chad McLeod, hereby disclose that on Aug. 15, 20 22:

(a) A measure came or will come before my agency which (check one or more)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ___;

___ inured to the special gain or loss of my relative, ___;

✓ inured to the special gain or loss of Jeff Donalson, Thomas Capital, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Jeff Donalson (Thomas Capital) is one of the principals of Lakeland West Lime LLC. Mr. Donalson is a client of my public relations firm, McLeod Communications.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

8/15/2022
Date Filed

Chad M[illegible]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.