## LAKELAND CITY COMMISSION

### Regular Session
### September 6, 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.

### PRESENTATIONS

RP Funding Center...Lakeland's Event Center (Tony Camarillo, RP Funding Center Director)

Red, White & Kaboom Check Presentation to VISTE (Kevin Cook, Communications Director)

Beautification Awards (Bill Koen)

- Residential: 1202 W. Lake Parker Drive - Judy A. Jalbert
- Commercial: 1906 Griffin Road - Reserve at Lakeland Square (The Caroline Apartment)

City Manager Shawn Sherrouse

- Employee Appreciation Event last week at Lake Parker. He wanted to thank and recognize all the City employees who worked through difficult conditions over the last 3 years, many at risk to their own health.
- Recognized 3 employees who recently completed the Certified Public Management (CPM) Program. Kirk Boulerice, Jessica Schilling, and Cindy Marsh.

### PROCLAMATIONS

The Star-Spangled Banner Day - Accompanied by Keith Marr performing "The Ragged Old Flag"

### COMMITTEE REPORTS AND RELATED ITEMS - None

### APPROVAL OF CONSENT AGENDA

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

Mayor Bill Mutz pointed out that the only item on Consent was the minutes.

**Action: Commissioner Mike Musick moved to approve the Consent Agenda. Commissioner Bill Read seconded and the motion carried unanimously.**

## APPROVAL OF MINUTES (with any amendments)

* City Commission Minutes – August 12-15

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

## REQUESTS TO APPEAR FROM THE GENERAL

### Dr. Sallie Brisbane re The Well

Dr. Brisbane gave a brief presentation, a copy of which is on file in the City Clerk's Office. She showed photos of their new building. They are located where the Lighthouse Thrift Store used to stand.

Commission Discussion:

- People find The Well through their collaboration with other nonprofit organizations. They also find The Well on social media. They could do better with more funding or in-kind support.
- The Well is for profit but does have a non-profit arm, Friends of the Well. They are the culture and arts piece of The Well. They were working on a project with FSC about the Highway Men.
- Collaboration is a challenge.

### Doris Moore Bailey re African American Chamber of Commerce

The request was $450,000 for the AACC.

Commission Discussion:

- AACC should submit their budget to the Commission.
- Ms. Bailey asked for any other budgets the Commission has received.

### Kerry Falwell re Mayor's Council on the Arts Funding Request

She recommended the Commission allot $200,000 to LKLDArts for competitive grants. The funds should be limited to groups with an operating budget below $1 Million. This allowed a targeted amount of money to help the smallest organization make the biggest impact.

Commission Discussion:

- The recommendation was lower than the original request.
- The rubric meets with the ARPA fund requirements.
- LKLDArts was ready to meet the tracking requirements to take the challenge off City staff.

**Richard Garrity re Flight Pathways at LLIA**

Mr. Garrity played video of a plane flying over his home.

The Commission discussed LLIA's efforts to mitigate the issue. They were working with FAA.

## EQUALIZATION HEARINGS

**Recess/Convene: The Commission recessed the Regular Session and convened as the Equalization Board.**

Palmer Davis explained the City Charter requires that prior to recording a lien against private property, the City Commission convene as the Equalization Board and grant those property owners the opportunity to object to the recording of the lien or ask any questions they might have. If someone present received a notice to appear before the City Commission re a lot cleaning/clearing or demolition assessment, this is the time to address the Commission.

Lots Cleaning and Clearing

Palmer Davis presented the assessment roll to the Equalization Board.

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

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

The Commission discussed the fees on 122 Bloomfield. That property had a large cleanup that included hazmat and fire, so the fees were higher than normal.

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

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

## PUBLIC HEARINGS

**Ordinances (Second Reading)**

**Proposed 22-029; Approving a Conditional Use to Allow for Off-Street Parking as a Principal Use on Property Located at 411 E. Orange Street (1st Rdg. 07-18-22) (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. The applicant requested another continuance. He recommended the Commission continue the public hearing indefinitely.

**Motion: Commissioner Sara McCarley moved to delay the public hearing indefinitely. 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 the reason for the delays, market conditions, and the expense of maintaining an empty building.

**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.**

## COMMUNITY REDEVELOPMENT AGENCY – None

## CITY MANAGER

**Recommendation re: Florida Development Assistant Program Grant for Lake Crago Park**

The City has been awarded a $200,000 matching grant from the Florida Department of Environmental Protection to assist with the construction of Phase 3 of Lake Crago Park. The grant will help fund the construction of three lighted multi-purpose fields, a restroom and parking. The required matching funds are currently available in the Public Improvement Funds in 2022. The project documents are currently in permitting and the project is expected to take one year to complete.

Staff requested that the City Commission authorize the appropriate City staff to execute the FRDAP Grant Agreement for Lake Crago Park and to approve an appropriation and increase in estimated revenue in the Public Improvement Fund of $200,000 for the State of Florida DEP share of the project.

Shawn Sherrouse presented this item to the Commission.

**Motion: Commissioner Chad McLeod 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 unanimously.**

**Recommendation re: Purchase of Inland Harvester Transport Barge**

The Public Works Department is requesting to purchase an Inland transport barge for lake maintenance operations. The Lakes & Stormwater Division needs the transport barge to increase the on-site efficiency of its aquatic harvester. The addition of the transport barge will enable vegetative debris to be shuttled back and forth to a shore conveyor, allowing the harvester to remain on site and continue operations. If approved, the purchase will be executed via sole source standardized brand justification.

City staff is asking for authorization to purchase an Inland harvester transport barge and requesting an appropriation for the Fleet Management Vehicle Replacement Fund.

The costs associated with the vehicle are as follows:

- Purchase cost - $254,365.00
- Annual vehicle rent, fuel, and maintenance cost - $55,000.00

The funds for the purchase are available in the Stormwater Fund and would be transferred to the Fleet Management Vehicle Replacement Fund, if approved.

Staff requested that the City Commission authorize the appropriate City staff to execute the appropriate documents to purchase an Inland transport barge and authorize an appropriation and increase in estimated revenue in the Fleet Management Vehicle Replacement Fund in the amount of $254,365.00.

**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:

- The need for harvesting behind the church on Lake Parker. Staff called that area Mall Cove. They harvest that area once a year, usually in the spring. It is on the schedule, and they will try to speed it up.
- Grants for remediation work on Lake Parker. The City had one grant looking at wetland rehab projects with SWFWMD. FWC typically funds vegetation removal. Polk County corners the market on those funds.
- The efficiency this unit will provide. It will double their harvesting load.

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

**Recommendation re: Contracts with Hubbard Construction Company, Hanson Professional Services Inc., and Atkins North America, Inc. for the Relocation of Taxiway P at Lakeland Linder International Airport**

Lakeland Linder International Airport (LLIA) is seeking approvals to enter into construction and engineering contracts with three firms selected to perform work associated with the relocation of Taxiway P.

This project includes shifting approximately 1,500 feet of Taxiway P to the south due to the relocation of the glideslope during the CAT III Instrument Landing System project. In addition, approximately 2,500 feet of the remaining taxiway will be rehabilitated along with portions of Taxiway F and the SUN 'n FUN Ramp entrance. The taxiway will be 50 feet wide and allow for continued access to the south side of the airport while also providing a connection to the approach end of Runway 10. The project includes lighting, signage, and pavement markings. A stormwater pond located south of the shifted taxiway will also be enlarged for additional stormwater run-off. Total project costs are estimated at $6,389,455 inclusive of construction services, engineering oversight, and other miscellaneous expenses including $37,600 for wetland mitigation and administrative costs.

LLIA advertised construction services through City of Lakeland Bid No. 2140 in May of 2022 and received the following three (3) bids:

| | | |
|---|---|---|
| Hubbard Construction Company | (Winter Park, FL) | $5,806,479.99 |
| Ajax Industries of Florida LLC | (North Venice, FL) | $5,968,384.45 |
| Cobb Site Development Inc. | (Wauchula, FL) | $6,934,760.76 |

LLIA's Engineer of Record, Atkins, along with LLIA staff completed their review of the three bids determining Hubbard Construction Company to be the lowest and most responsive bidder at $5,806,479.99.

Subsequently, Hanson Professional Services, Inc. was selected to provide the construction oversight services under City of Lakeland RFQ No. 0366. The construction oversight contract is for a not to exceed amount of $401,640. Services to be performed include quantity reconcilements, daily reporting, and construction oversight.

Atkins will be contracted under an Amendment to the firm's existing Taxiway P design contract in a not to exceed amount of $93,760 as the Engineer of Record. Services to be performed include attending project meetings, answering requests for information, providing changes and updates to the construction plans as needed, and providing final as-built documents.

At the time the grant was issued by the Florida Department of Transportation they required independent review and inspections to be performed by an engineering firm other than the Engineer of Record.

Funding for this project is provided by a 90% grant issued by the Federal Aviation Administration and a grant issued by the Florida Department of Transportation consisting of a 5% match on FAA eligible costs and an 80% participation on FAA ineligible costs. Both grants were approved by the City Commission on August 15, 2022.

Staff recommended that the City Commission:

1. Authorize appropriate City Officials to enter into a contract with Hubbard Construction Company for construction services in the amount of $5,806,479.99.
2. Authorize appropriate City Officials to enter into a contract with Hanson Professional Services Inc. for construction oversight services in the not to exceed amount of $401,640.
3. Authorize appropriate City Officials to enter into an Amendment with Atkins for Engineer of Record services in the not to exceed amount of $93,760.
4. Authorize an expense appropriation in the amount of $6,316,616, which is the total project cost of $6,389,455 less the previously appropriated $72,839 on April 4th, 2022, with a local share of $597,634 being funded by the Airport's 2021 Bond.

Shawn Sherrouse presented this item to the Commission.

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

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

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

**Recommendation re: Contract with Register Construction & Engineering Inc. for the Conversion of a Fire Suppression System at Lakeland Linder International Airport**

Lakeland Linder International Airport (LLIA) is seeking approvals to enter into a construction contract with Register Construction & Engineering, Inc. for the conversion of the existing deluge fire suppression system to a wet pipe system in the connected hangars at 3131 Flightline Drive.

In its current condition, the existing fire suppression system would activate all sprinkler heads throughout the facility if only one of the sprinkler heads were to be triggered. The new wet pipe system would limit activation of sprinkler heads to those areas affected by the emergency preventing potential damage to aircraft and equipment located in adjacent hangar bays. Installation of the new wet pipe system also requires the construction of two fire walls to meet modern building code.

LLIA advertised construction services through City of Lakeland Bid No. 2174 on May 23, 2022, receiving the two (2) bids listed below:

- Register Construction & Engineering, Inc. (Lakeland, FL) $680,809
- Ranger Fire, Inc. (Saginaw, TX) $962,000

Engineer of Record, Hatcher Engineering, Inc., along with LLIA staff completed their review of the two bids determining Register Construction & Engineering, Inc. to be the lowest and most responsive bidder at $680,809. Subsequently, LLIA staff met with Register Construction & Engineering, Inc. to determine if any adjustments could be made reducing the project's overall costs. LLIA was able to lower the project costs to $580,000 by assuming the responsibility for the overnight fire watch.

Funding for this project was included in the Airport's 2021 Bond at an originally estimated $400,000. Due to high construction costs, the poor condition of the existing pipes, and the addition of two fire walls the bid came in $180,000 higher than the engineer's estimate. However, the $180,000 increase in project costs can be funded within the Airport's 2021 Bond.

Staff recommended that the City Commission authorize appropriate City Officials to enter into the contract with Register Construction & Engineering, Inc. in the amount of $580,000 to convert the existing deluge fire suppression system at 3131 Flightline Drive to a new wet pipe system in accordance with City of Lakeland Bid No. 2174. It is also recommended that the project be funded through the Airport's 2021 Bond. No appropriations are required to satisfy this request.

Shawn Sherrouse presented this item to the Commission.

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

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

The Commission discussed why these changes were being made now. Staff has been working on a fix for six years. The bond made funding available. There is a lot of construction work for this project.

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

**Recommendation re: Reimbursement with U.S. Customs and Border Protection for IT Equipment at Lakeland Linder International Airport**

Lakeland Linder International Airport (LLIA) is required under the existing agreement with U.S. Customs and Border Protection (CBP) to upgrade its information technology (IT) equipment on a scheduled basis as determined by CBP.

As such, LAL received notice from CBP that an upgrade to IT equipment will be required for Fiscal Year 2023 providing the Airport with a new Memorandum of Agreement for execution. Under the new MOA, the Airport would reimburse CBP in the amount of $71,302 for the purchase, installation, maintenance, connectivity, and recurring costs associated with the new IT equipment. In addition, CBP provided notice that annual network and circuit costs are estimated at $13,760. Both costs have been included in the Airport's 2023 budget.

Staff recommended that the City Commission authorize appropriate City officials to enter into the Memorandum of Agreement with U.S. Customs and Border Protection reimbursing them in the amount of $71,302 for IT equipment upgrades in Fiscal Year 2023. No appropriations are required for this request.

**Motion: Commissioner Mike Musick 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 6-0. Commissioner Chad McLeod was absent at that time.**

**Recommendation re: Award of RFP #2203 for Group Medical Administrative Services Only and RFP #2213 for Pharmacy Benefit Manager to United Health Care**

United Health Care (UHC) is our current Third-Party Administrator for Health Plan and Prescription Drug Benefit services. In March of 2017, the City went out for RFP and the City Commission approved a three-year contract, with two one-year renewals, on July 1, 2017. That contract, with renewals, ends on December 31, 2022. The services UHC provides include processing the day-to-day coordination of our medical health and pharmacy plan, as well as all phases of administration.

Risk Benefits solicited RFP #2203 Group Medical Administrative Services Only (ASO) on July 22, 2022, and RFP #2213 Pharmacy Benefit Manager (PBM) on August 1, 2022. The Selection Committee of 11 members was comprised of representatives from COLAR (Retirees), The Employee Association, FOP, IAFF, Finance Payroll, DoIT, the City Manager's Office, and Risk Management. Representatives from UWUA were invited but were unable to attend.

RFP #2203 for Group Medical Administrative Services received three submittals:

- Aetna Life Insurance
- Cigna Health and Life Insurance Company (CHLIC)
- United HealthCare Services, Inc.

Gallagher Benefit Services provided the Selection Committee with a comparison of the three submittals on August 11, 2022. The Selection Committee determined they intended to interview all three firms. The firms were invited to present on topics from customer service, technology, Clinic inclusion, funding options and to provide a final and best offer. On August 18, 2022, each firm was allotted one hour for a presentation and questions from the Committee.

RFP #2213 for Pharmacy Benefit Manager (PBM) received seven submittals:

- Aetna Life Insurance
- BeneCard PBF
- Cigna Health and Life Insurance Co. (CHLIC)
- Magellan RX Management, LLC
- MaxorPlus, Ltd.
- MedImpact Healthcare Systems, Inc.
- United HealthCare Services, Inc.

Gallagher Benefits utilized their National Pharmacy Practice consultant to run scenarios of our projected 2023 pharmacy utilization against the seven submitted financials to determine the claims dollar impact on the City's pharmacy plan. Projection scenarios identified the top three firms and their reduction as a percentage of current pharmacy costs:

- UHC (incumbent) 17.6% reduction
- Aetna 12.6% reduction
- Cigna 11.6% reduction

Third Party Administrator proposers were requested to include PBM services as well as a proposal for PBM services carved out to a stand-alone option. Aetna, Cigna and UHC provided this option.

United Health Care, combined with Optum Pharmacy Benefit Manager, provided the most competitive pricing of the three combined proposals with total savings projected over the next three-year period at $2,520,000. The Cigna proposal was the next most competitive with projected three years savings of $2,168,000, with Aetna/CVS the least competitive with a savings of $1,700,000. None of the stand-alone PBM proposals were competitively priced in relation to any of the combined TPA/PBM proposals.

Additionally, United Health Care presented a best and final offer that included a $200,000 wellness budget, a $250,000 discretionary budget, improved pharmacy rebate guarantees, proposed a level 2 Diabetes Plan and a five-year commitment to the lower administrative fee per employee per month.

The Selection Committee discussion inclusive of all information provided resulted in the following final scores:

| Firm Name | Total Points | Rank |
|---|---|---|
| United Health Care Services Inc. | 1075 | 1 |
| Cigna Health & Life Insurance Co. | 951 | 2 |
| Aetna Life Insurance Co. | 911 | 3 |

Staff recommended that the City Commission authorize the appropriate City Officials to negotiate a contract with United Health Care combined with Optum Pharmacy Benefit Manager for three years, with two one-year renewals effective January 1, 2023, through December 31, 2027.

Shawn Sherrouse presented this item to the Commission. He commended staff who worked very hard on this, including the consultants at Gallagher.

**Motion: Commissioner Bill Read 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.

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

**CITY ATTORNEY**

**Ordinances (First Reading)**

**Proposed 22-042; Amending Ordinance 4855, as Amended; Major Modification of PUD Zoning to Increase the Maximum Building Floor Area for an Existing Self-Storage Facility to 99,536 sq. ft. to Allow a Two-Story Expansion on Property Located at 5320 N. State Road 33**

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 4855, AS AMENDED, TO PROVIDE FOR A MODIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING TO INCREASE THE MAXIMUM BUILDING FLOOR AREA FOR AN EXISTING SELF-STORAGE FACILITY FROM 72,000 SQUARE FEET TO 99,536 SQUARE FEET IN ORDER TO ALLOW A TWO-STORY EXPANSION ON PROPERTY LOCATED AT 5320 N. STATE ROAD 33; 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 September 19, 2022.

**Proposed 22-043; Amending Ordinance 5129, as Amended; Major Modification of a Conditional Use to Adopt a New Site Development Plan and Allow a Freestanding Emergency Room as Part of Planned Medical Office Uses on Property Located at 2500 Kathleen Road**

> AN ORDINANCE RELATING TO ZONING; MAKING FINDINGS; AMENDING ORDINANCE 5129, AS AMENDED, TO MODIFY AN EXISTING CONDITIONAL USE TO ADOPT A NEW SITE DEVELOPMENT PLAN AND ALLOW A FREESTANDING EMERGENCY ROOM AND CERTAIN OTHER USES AS PART OF PLANNED MEDICAL OFFICE USES ON PROPERTY LOCATED AT 2500 KATHLEEN ROAD; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

The foregoing is the title of an ordinance read for the first time by short title only. The Commission will hold the second reading and public hearing on September 19, 2022.

**Proposed 22-044; Amending Ordinance 5911; Amending the City of Lakeland Investment Policy for the Public Improvement Endowment Fund**

> AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO INVESTMENT POLICIES; MAKING FINDINGS; AMENDING ORDINANCE NO. 5911 TO MODIFY THE CITY OF LAKELAND INVESTMENT POLICY FOR THE PUBLIC IMPROVEMENT ENDOWMENT FUND; 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 September 19, 2022.

**Proposed 22-045; Approving the Inclusion of Certain Lands within the Boundaries of the Lakeland Area Mass Transit District**

> AN ORDINANCE RELATING TO THE LAKELAND AREA MASS TRANSIT DISTRICT; MAKING FINDINGS; APPROVING THE INCLUSION OF CERTAIN LANDS LOCATED WITHIN THE CITY OF LAKELAND WITHIN THE BOUNDARIES OF THE LAKELAND AREA MASS TRANSIT DISTRICT; 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 September 19, 2022.

**Resolutions**

**Resolution 5776; Proposed 22-040; 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 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 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 5777; Proposed 22-041; Supporting an Application by Polk County to Secure Award of a Safe Streets for All Grant**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA SUPPORTING AN APPLICATION BY POLK COUNTY TO SECURE AWARD OF A SAFE STREETS FOR ALL GRANT; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

Parag Agrawal, TPO Executive Director made a presentation, a copy of which is on file in the agenda packet. All cities will work together with the County on this effort. They must have a plan in place before they can apply for additional grants.

The Commission discussed:

- School Board planning for schools in conjunction with development. The school board should come to the table.
- Safety was not only about engineering, it is also about mixed land use and school location. It is about citizen education, land use, and a need for a wholistic approach. We need to limit our speeds.
- Gulf Coast Safe Streets Summit, November 3, 2022, at the RP Funding Center. The public was encouraged to attend. There is a small fee to attend but

scholarships are available. Attendees should share what they learn in their circles of influence.

- These traffic fatalities are not just numbers. They are our friends and neighbors.

**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.**

**Resolution 5778; Proposed 22-042; Establishing Various Cemetery Fees for FY 2022-23**

> A RESOLUTION RELATING TO CEMETERY FEES; ADOPTING A SCHEDULE OF FEES FOR THE SALE OF INTERMENT RIGHTS TO CEMETERY SPACES AND FOR VARIOUS OTHER SERVICES; REPEALING RESOLUTION 5708 AND OTHER RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

**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 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 5779; Proposed 22-043; Establishing Fees, Charges and Rental Rates for Parks, Recreation and Cultural Arts Facilities and Programs for FY 2022-23**

> A RESOLUTION RELATING TO PARKS, RECREATION AND CULTURAL ARTS; ESTABLISHING FEES, CHARGES AND DEPOSITS FOR FACILITY RENTALS, PROGRAMS AND SERVICES; REPEALING RESOLUTION 5709 AND ALL OTHER RESOLUTIONS IN CONFLICT HEREWITH; 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.

The Commission discussed:

- Rental income: Staff will provide overall numbers via email.
- Increases were based on CPI.
- Lake Crago was reduced to increase rentals.
- Change in library late fees. Patrons will now be charged the price of the book after 30 days.
- $10 athletic fee was a best practice being implemented in Lakeland to help cover the cost of maintaining the multi-purpose fields. Staff will be meeting with the leagues about the fee's necessity and how to address hardship cases.

**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 – None**

## FINANCE DIRECTOR

### Appropriation and Increase in Estimated Fuel Expenditures and Revenues - Lakeland Electric Operating Fund

During Fiscal Year 2022, Lakeland Electric experienced an increase in natural gas fuel costs as global demand for the commodity outstripped supply. The resulting increase in European liquified natural gas (LNG) prices led to higher domestic exports from the U.S, thus reducing the amount of natural gas available for domestic use and storage. Pipeline constraints and a hot summer coupled with the concern about lower natural gas storage contributed to escalating fuel costs which have exceeded the original budget. Furthermore, higher load growth due to warmer than normal weather also led to additional fuel purchases.

The original fuel budget for FY 2022 assumed sales of 3,184,976 MWhs with an average fuel cost of $38.38/MWh while current projections indicate the utility's load will be 4.6% higher at 3,330,700 MWh with an annual fuel cost of $54/MWh. As we near the end of the fiscal year, we must true-up our Fuel budget to what we anticipate as a final expenditure total of approximately $180m.

Staff requested that the City Commission authorize an appropriation and increase in estimated revenues of $57,606,441 related to the realized fuel expenditure increases and related revenues for FY2022. The budget is requested to be provided by the Unappropriated Surplus in the Lakeland Electric Operating Fund.

Mike Brossart presented this item to the Commission.

**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. There were no comments from the audience.

The Commission discussed the protocol for unpaid electric bills.

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

## UTILITY

**Ordinances – None**

**Resolutions**

**Resolution 5780; Proposed 22-044; Establishing the Environmental Compliance Cost Charge (Rate Schedule BA-3) for FY 2022-23**

> A RESOLUTION RELATING TO THE ELECTRIC UTILITY; ESTABLISHING THE ENVIRONMENTAL COMPLIANCE COST CHARGE FOR ALL CUSTOMER CLASSES FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2022; REPEALING RESOLUTION 5714; MAKING FINDINGS; PROVIDING AN EFFECTIVE DATE.

Palmer Davis read the short title.

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

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

**Action: Upon roll call vote Commissioners 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.**

**Miscellaneous**

**Memo re: Change Order with Charah, LLC for Soil Stripping at McIntosh Power Plant**

This was a proposed Change Order with Charah, LLC for soil stripping on the railroad slope at McIntosh Power Plant. On June 6, 2022, the City Commission approved an Agreement with Charah, LLC for the removal of solids from the process water ponds which previously served Unit 3 at the McIntosh Power Plant. The main purpose of the solids removal project is to complete all pre-closure activities in the Byproduct Storage Area (BSA) in compliance with the Environmental Protection Agency's Coal Combustion

Residual Rule. The total cost of this removal was $1,082,633. However, during the project, it was determined that the top two (2) feet of soil around a section of the railroad tracks also required removal and placement into the BSA prior to closure.

Pursuant to the Change Order, Charah, LLC's scope of work will include:

- Stripping of the slopes (up to 24-inches) adjacent to the railroad tracks.
- Hauling approximately 20,900 cubic yards of material to the onsite landfill.
- Stabilizing all disturbed slopes via hydro-seeding.

Upon approval by the City Commission, a Change Order will be issued to Charah, LLC to commence work, which is anticipated to be completed in October 2022. The Change Order will be governed by the terms and conditions set forth in the City's Agreement with Charah, LLC as well as Charah, LLC's Proposal dated August 23, 2022. The total cost associated with the Change Order for work is $358,861 and is included in Lakeland Electric's FY22 budget.

Staff recommended that the City Commission approve this Change Order with Charah, LLC for soil stripping on the railroad slope at McIntosh Power Plant and e City officials to issue a Change Order and execute all corresponding documents for the additional work.

Deputy City Attorney Ramona Sirianni presented this item to the Commission. The Utility Committee unanimously approved the recommendation.

**Motion: Commissioner Phillip Walker 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 6-0. Commissioner Mike Musick was absent at that time.**

**Memo re: Agreement with Air Centers of Florida, Inc. for Instrument Air Equipment for the McIntosh Reciprocating Engine Project**

This proposed Agreement with Air Centers of Florida, Inc. (ACF) was for procurement of Instrument Air Equipment for the McIntosh Reciprocating Engine Project (RICE Project). The equipment includes two (2) fully redundant rotary air compressors with 100% capacity, two (2) twin tower heated air dryers and two (2) storage tanks (one wet and one dry) for a continuous source of clean air. The equipment is required for the operation, control, and protection of the RICE engines.

On May 6, 2022, the City's Purchasing Department issued Invitation to Bid No. 2147 seeking qualified contractors to provide the design, manufacturing, furnishing and delivery of air compressors, dryer packages and air receiver tanks. The City received responses from the three (3) contractors listed below.

| Contractor | Location | Bid Price |
|---|---|---|
| Compressed Air Systems, Inc. | Tampa, FL | Non-responsive |
| Atlas Copco Compressors, LLC | Rock Hill, SC | $335,800.00 |
| Air Centers of Florida, Inc. | Tampa, FL | $342,080.00 |

Upon evaluation by City staff, ACF was selected as the most responsive, responsible bidder capable of providing the services in accordance with the City's Bid Specifications. Although the initial bid price by Atlas Copco Compressors, LLC (Atlas) was lowest, its bid contained technical exceptions that would have increased the cost of Atlas' bid, as well as extend the lead time for services beyond an acceptable limit for the City. Alternatively, ACF's bid revealed that it could offer a smaller compressor at a lower cost that met the City's Bid Specifications, which resulted in ACF providing its services at the lowest cost. Upon approval by the City Commission, ACF will commence work on the design and manufacturing of the instrument air equipment, which are scheduled for delivery in December 2022, after which the equipment will then be installed by a general contractor selected by the City pursuant to a separate bid.

ACF will perform all services pursuant to the terms and conditions set forth in the City Bid Documents, including conformed Specification M-8545 Rev C, ACF's negotiated terms and conditions dated August 5, 2022, and ACF's quote dated August 12, 2022. The total cost of the work is $334,971.00 and is included in Lakeland Electric's budget for the RICE Project, which was 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 ACF for procurement of Instrument Air Equipment for the RICE Project and authorize the appropriate City officials to execute all corresponding documents on behalf of the city.

Deputy City Attorney Ramona Sirianni presented this item to the Commission. The Utility Committee unanimously approved the recommendation.

**Motion: Commissioner Sara McCarley 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.

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

**Memo re: Agreement with Technology International, Inc. for Station Service Transformers for the McIntosh Reciprocating Engine Project**

This was a proposed Agreement with Technology International, Inc. (TI) for two (2) dry type station service transformers (SST's) for the McIntosh Reciprocating Engine Project (RICE Project). The dry SSTs are required to support the six (6) RICE engine generators, with each SST capable of carrying the load for the RICE Plant.

On May 20, 2022, the City's Purchasing Department issued Invitation to Bid No. 2164 seeking qualified contractors to provide for the design, manufacturing, furnishing, assembly and delivery of two (2) dry type station service transformers. The City received responses from the two (2) contractors listed below.

| Contractor | Location | Base Bid Price | Option Bid Price |
|---|---|---|---|
| Technology International, Inc | Lake Mary, FL | $252,200.00 | $305,680.00 |
| RMS Energy Company LLC | Randall, MN | $399,999.00 | $362,779.00 |

Upon evaluation by City staff, TI was selected as the most responsive, responsible bidder with the lowest price capable of providing the services in accordance with the City's Bid Specifications for the optional bid for two (2) dry type SST's. Upon approval by the City Commission, TI will commence work on the design and manufacturing of the SST's, which are scheduled for delivery in June 2023, after which they will then be installed by a general contractor selected by the City pursuant to a separate bid.

TI will perform all services pursuant to the terms and conditions set forth in the City Bid Documents, including conformed Specification M-8532 Rev C and TI's proposal dated August 30, 2022. Due to price increases from suppliers, the cost of the work is higher than TI's initial bid price and is now $338,000.00, which is included in Lakeland Electric's budget for the RICE Project that was 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 TI for procurement of two (2) dry type SST's 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. The Utility Committee unanimously approved this recommendation.

**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 Zabatt Engine Services, Inc. for an Emergency Diesel Generator for the McIntosh Reciprocating Engine Project**

This was a proposed Agreement with Zabatt Engine Services, Inc. (Zabatt) for procurement of an emergency diesel generator for the McIntosh Reciprocating Engine Project (RICE Project). The diesel generator, which has a fuel tank capable of operating for twenty-four (24) hours, will tie into the low voltage plant bus and provide backup power during a power outage. It will also enable the station service battery size to be smaller and allow the RICE engines to have the ability to start without power on the system.

On May 13, 2022, the City's Purchasing Department issued Invitation to Bid No. 2154 seeking qualified contractors to provide for the design, manufacturing, furnishing, assembly and delivery of a 450KW emergency diesel generator. The City received responses from the three (3) contractors listed below.

| Contractor | Location | Bid Price |
|---|---|---|
| Zabatt Engine Services, Inc | Jacksonville, FL | $241,649.38 |
| Cummins, Inc | Tampa, FL | $290,770.00 |
| Ring Power Corporation | Riverview, FL | $310,695.00 |

Upon evaluation by City staff, Zabatt was selected as the most responsive, responsible bidder with the lowest price capable of providing the services in accordance with the City's Bid Specifications. Upon approval by the City Commission, Zabatt will commence work on the design and manufacturing of the generator, which is scheduled for delivery in June 2023, after which it will then be installed by a general contractor selected by the City pursuant to a separate bid.

Zabatt will perform all services pursuant to the terms and conditions set forth in the City Bid Documents, including conformed Specification M-8535 Rev C and Zabatt's proposal dated June 14, 2022. The original bid price was increased by $20,115.00 to include an optional fire detection system recommended by the City's engineering consultant, Sargent & Lundy. As such, the total adjusted cost of the work is $261,764.38 and is included in Lakeland Electric's budget for the RICE Project, which was 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 Zabatt for the procurement of an emergency diesel generator for the RICE Project and authorize the appropriate City officials to execute all corresponding documents.

Ramona Sirianni presented this item to the Commission. The Utility Committee unanimously approve the recommendation.

**Motion: Commissioner Phillip Walker 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 the generator and moving away from diesel to something greener, possibly a fuel cell.

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

## AUDIENCE

Michael Griffin came forward about safety issues. He requested streetlights in his neighborhood. He lived near Dawn Heights and Maine Avenue. That was outside the city limits. He had concerns about his deposit at LE. The Commission referred him to staff for assistance.

Terry Coney requested the Commission review their method for selecting an interim city commissioner and maybe come up with some modifications.

Doris Moore Bailey thought the Commission should consider the other applicants for the District A seat. She also spoke about the African American Chamber of Commerce. She encouraged the Commission to consider the AACC for ARPA funds.

## MAYOR AND MEMBERS OF THE CITY COMMISSION

Commissioner Phillip Walker:

1. Encouraged the Commission to go for a tour of the LHCC.
2. Ridge League of Cities meets tonight in Auburndale and hoped Lakeland would be represented.
3. Announced that next week is the first of FLC Policy Committee meetings.

Commissioner Sara McCarley:

1. The employee celebration last week was awesome!
2. Announced she was attending APA Conference tomorrow with Teresa Maio to talk about how Lakeland cleaned up the Comprehensive Plan.
3. Announced that she and Shawn Sherrouse will be in a class called Inside Polk County Public Schools. She was really excited about that.
4. Announced Constitution Day, Sep 17th. She will have Congressional Classroom in Washington DC.

Commissioner Stephanie Madden:

1. Excited to get updates on Catapult. One of those businesses was UP. He did onboarding for a local car dealership. They create videos with the businesses to find ways to bring new employees up to speed more quickly.
2. Polk County Forever: Participated in the art exhibition to raise funds for conservation land in Polk County.
3. Vision Zero: The conversation today bolstered her support for the Dixieland Road Diet. She has not heard as many complaints. To reclaim that little section for the neighborhood and be more bike/pedestrian friendly is a good thing. The Historic Preservation Board wrote a letter of support for the road diet.

Commissioner Bill Read:

1. Announced the rodeo at the end of the month at the RPFC.
2. Shout out to a Catapult participant Clay Canning for his nomination to Tampa Bay Business Journal for 2022 Up & Coming Under 25.

Mayor Bill Mutz gave a shout out to the Lakeland magazine which did a great job on local foods.

**CALL FOR ADJOURNMENT – 12:44 p.m.**

H. William Mutz, Mayor

CITY OF LAKELAND, FLORIDA
INCORPORATED
JAN. 1, 1885

Kelly Koos, City Clerk