

CITY OF CASSELBERRY CITY COMMISSION MEETING

Monday, April 10, 2023
5:30 PM

City Commission Chambers
1st Floor, Casselberry City Hall
95 Triplet Lake Drive, Casselberry, Florida

TO THE PUBLIC: Persons are advised that, if they decide to appeal any decision made at these meetings/hearings, they will need a record of the proceedings and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based, per Section 286.0105, Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the A.D.A. Coordinator, 48 hours in advance of the meeting at (407) 262-7700, ext. 1150.

Any invocation that may be offered before the official start of the City Commission meeting is the voluntary offering of a private citizen to and for the Commission pursuant to Resolution 15-2808. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Commission and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief of the City Commission or the City of Casselberry. No person in attendance at this meeting is or shall be required to participate in any invocation, and the decision whether or not to participate will have no impact on his or her right to actively participate in the meeting.

This is a public meeting, and the public is invited to attend. The agenda is subject to change. Please be advised that one (1) or more members of any of the City's Advisory Boards may be in attendance and may participate in the discussions at the meeting.

Persons can obtain an electronic copy of the agenda packet for this meeting by making a public records request to the City Clerk's Office by calling (407) 262-7700, Ext. 1133 or emailing cityclerk@casselberry.org.

AMENDED AGENDA

1. **MEETING CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL**
5. **MINUTES - None**
6. **PRESENTATIONS/ COMMENDATIONS - None**
7. **CONSENT AGENDA**

The action proposed to be taken is stated for each item on the Consent Agenda. Unless one item is removed from the Consent Agenda by a City Commission member, no discussion on individual items will occur and a single motion will approve all items.

A. **Approval of Legal Services Invoices**

- Garganese, Weiss, D'Agresta & Salzman, P.A., Invoice No. 97003 - \$23,087.57

B. **Task Authorization No. 4 with CPH, LLC. for the Survey and Drainage Feasibility Study Services for PW 2315 7th Street Drainage Improvements and Related Budget Amendment #23-041**

Approval of Task Authorization No. 4 with CPH, LLC. for the survey and drainage feasibility study services to determine potential options to resolve drainage problems at 7th Street where the Public Works Complex is located not to exceed \$39,810 and related Budget Amendment #23-041 is requested.

C. **Budget Amendment #23-046 Reallocation of Contingency Funding for Project PW 2111 Lake Concord Park - Art House Expansion**

Approval of Budget Amendment #23-046 to reallocate \$9,415 in contingency funding for construction of project PW 2111 Lake Concord Park - Art House Expansion from one account line to another within the overall project budget is requested.

D. **Resolution 23-5362 - Notice of Site Dedication and Limitation of Use for Secret Lake Park Related to Land and Water Conservation Fund Grant**

Resolution 23-5362 provides for approval of a Notice of Site Dedication and Limitation of Use for Secret Lake Park associated with a Land and Water Conservation Fund Grant received for the park to be dedicated in perpetuity as an outdoor recreation site for the use and benefit of the public.

E. **Excuse Absence of Commissioner Chad Albritton**

8. DISCUSSION ITEMS

A. **Future Agenda Items**

9. FIRST READING OF ORDINANCES - None

10. PUBLIC HEARINGS - None

11. OTHER ITEMS

A. **Citywide Streetlight Need Study Presentation and Discussion**

A presentation and discussion to identify and prioritize potential street lighting projects throughout the City based on available crash data, crime rates, pedestrian activity, and vehicular data.

12. RESOLUTIONS

A. **Resolution 23-5363 - Authorization for the City Manager to Execute an Agreement with Bryant Miller Olive for Street Lighting Assessment Update and Related Budget Amendment #23-047**

Resolution 23-5363 and related Budget Amendment #23-047 provide for approval of authorization for the City Manager to execute an agreement with Bryant Miller Olive for an amount not to exceed \$50,000 to re-assess the Street Lighting assessment program in consideration of including the cost of proposed improvements.

13. CITIZENS' COMMENTS

Persons who wish to make comment or make inquiry on any matter NOT ON THIS AGENDA may do so at this time. Please raise your hand and when recognized by the Mayor, come forward to the microphone, give your name and address and speak briefly on the matter. All comments must be directed to the Mayor or City Commission as a whole, not an individual City Commissioner, a City staff member or another member of the audience. Citizens may be heard during PUBLIC HEARINGS or at any time any agenda item is before the City Commission for consideration by following the same procedure described above.

14. CITY MANAGER'S REPORT

15. CITY ATTORNEY'S REPORT

16. CITY CLERK'S REPORT

17. CITY COMMISSIONER'S REPORTS/COMMENTS

18. ADJOURNMENT

Date

Donna G. Gardner, CMC
City Clerk



CITY MANAGER M E M O R A N D U M

7.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Approval of Legal Services Invoices

Introduction: Consideration for approval of the legal services invoice from the City Attorney is requested.

Background: Pursuant to Resolution 16-2815, invoice information for attorney fees and legal services must be submitted to the City Commission for approval prior to payment.

Discussion: The following invoice has been reviewed by the affected departments and is being presented for approval:

Garganese, Weiss, D'Agresta & Salzman, P.A.

- City Attorney Services - March 2023 - Invoice No. 97003 - \$23,087.57

Budget Impact: Funds for the City Attorney's invoice are available in FY 2023 Budget Account No. 001-0140-514-31.01.

Recommendation: The City Manager and staff recommend approval of the legal services invoice as submitted.

Prepared by: Donna Gardner, City Clerk

Attachments:

1. Invoice No. 97003



CITY MANAGER M E M O R A N D U M

7.B.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Task Authorization No. 4 with CPH, LLC. for the Survey and Drainage Feasibility Study Services for PW 2315 7th Street Drainage Improvements and Related Budget Amendment #23-041

Introduction: Approval of Task Authorization No. 4 with CPH, LLC. for the survey and drainage feasibility study services for PW 2315 7th Street Drainage Improvements not to exceed \$39,810 and related Budget Amendment #23-041 is requested.

Background: The City of Casselberry's Public Works & Utilities Department Complex is located at the end of 7th Street near Bayou Drive. Most of 7th Street and a portion of Bayou Drive are within the Federal Emergency Management Agency (FEMA) 100-year floodplain and prone to flooding, even though the facilities in the Complex itself are not. During Hurricane Ian in September 2022, the 7th Street and Bayou Drive area experienced significant flooding within 24 hours of the storm. The flooding made it extremely difficult for Public Works & Utilities staff to get access to critical equipment and deploy vehicles for the post-storm cleaning and maintenance tasks.

CPH, LLC. (formerly CPH Inc.) is one of the City's current continuing consultants for Stormwater and Lake Management services.

Discussion: City staff recommends completing a feasibility study in order to determine potential options to address these flooding concerns. CPH will assist City staff with coordination with their sub-contractor (Singhofen & Associates Inc.) to complete the drainage feasibility study for a portion of 7th Street and Bayou Drive. The work required by this study includes survey, geo-technical report, hydrologic and hydraulic model simulations, and design alternatives evaluation.

The cost for services provided by CPH should not exceed \$39,810. The projected completion date for the study is set for June 2023. The potential design alternatives provided by the feasibility study will be vital for the City. It will lead the City to the next crucial step of considering flood control design for the 7th Street and Bayou Drive area in order to provide City field staff safe and secure access to critical facilities and equipment during the hurricane season.

The need for this study and associated improvements was not captured in the Capital Improvement Plan of the current adopted Stormwater and Lakes Management Master Plan. Thus there is currently no budget for the Study or associated improvements. A Budget

Amendment is therefore needed to address funding for this Study through the Stormwater Utility Fund.

Budget Impact: Budget Amendment #23-041 will provide sufficient funding for this item by increasing the Stormwater Utility Fund Other Non-operating Sources account #110-0000-389.90-00 and the Stormwater Utility Fund Professional Services account #110-0740-538.31-00 each by \$39,810.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Task Authorization No. 4 with CPH, LLC. in the amount not to exceed \$39,810 and related Budget Amendment #23-041 for project PW 2315 7th Street Drainage Improvements (Feasibility Study).

Prepared by: Jane Dai, City Engineer

Attachments:

1. Task Authorization No. 4
2. Budget Amendment #23-041



CITY MANAGER M E M O R A N D U M

7.C.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Budget Amendment #23-046 Reallocation of Contingency Funding for Project PW 2111 Lake Concord Park - Art House Expansion

Introduction: Approval of Budget Amendment #23-046 to reallocate \$9,415 in contingency funding for construction of project PW 2111 Lake Concord Park - Art House Expansion is requested. (Ref. SOQ-2021-0715)

Background: As part of implementing a voter-approved parks bond referendum, the City of Casselberry planned improvements to Lake Concord Park, known as project PW 2111 Lake Concord Park - Art House Expansion.

On April 25, 2022, the City Commission approved Amendment No. 3 to Supplemental Agreement No. 2 to the Contract Agreement with Wharton-Smith, Inc. for Construction Manager at Risk (CMAR) for Parks Construction Projects for a Guaranteed Maximum Price (GMP) in the amount of \$3,191,055.00 to construct project PW 2111 Lake Concord Park - Art House Expansion. The City Commission also simultaneously approved Budget Amendment #22-033, which included \$157,267 in contingency funds to be used subject to approval by the City Manager if needed to cover unanticipated additional work during the project.

Construction of the project is currently underway and anticipated to conclude in summer 2023.

Discussion: As established in Budget Amendment #22-033 and embedded in the GMP for Wharton-Smith, the \$157,267 in contingency funding was split across several accounts, including (to the nearest dollar) \$51,086 in Parks Master Plan Fund Improvements Other account #307-0410-572.63-24 and \$99,267 in Parks Master Plan Fund Building Improvements account #307-0410-572.62-25.

As of the writing of this agenda item, to the nearest dollar, \$136,134 of the original contingency has been consumed through various change orders needed to address unanticipated issues. This includes \$60,501 in items that should be allocated against account #307-0410-572.32-24, which exceeds the current allocation of \$51,086 by \$9,415 (to the nearest dollar). Therefore, Budget Amendment #23-046 is proposed to reallocate \$9,415 in contingency funding from account #307-0410-572.62-25 to account #307-0410-572.63-24.

It should be noted that a future budget amendment(s) may be necessary to provide additional

reallocations and/or budget cleanup as the project comes to a close. In such case, these items will be brought forward for approval at a future City Commission meeting.

Budget Impact: Budget Amendment #23-046 will reallocate contingency funding by increasing the Parks Master Plan Improvements Other account #307-0410-572.63-24 and decreasing the Parks Master Plan Building Improvements account #307-0410-572.62-25 each by \$9,415. This does not increase the overall construction budget for the project.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Budget Amendment #23-046 to reallocate \$9,415 in contingency funding for construction of project PW 2111 Lake Concord Park - Art House Expansion.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Budget Amendment #23-046



CITY MANAGER M E M O R A N D U M

7.D.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Resolution 23-5362 - Notice of Site Dedication and Limitation of Use for Secret Lake Park Related to Land and Water Conservation Fund Grant

Introduction: Resolution 23-5362 provides for approval of a Notice of Site Dedication and Limitation of Use for Secret Lake Park associated with a Land and Water Conservation Fund Grant received for the park.

Background: The Land and Water Conservation Fund (LWCF) Program is a federal program authorized by Congress that provides for acquisition or development of land for public outdoor recreation. LWCF funds are appropriated by Congress to the U. S. Department of the Interior, National Parks Service (NPS), and NPS allocates the funds through state agencies as a grant program to state and local governments. It is administered at the state level in Florida by the Florida Department of Environmental Protection (FDEP).

Through its Parks, Recreation, Pathways, and Open Spaces Master Plan, the City identified the need for enhancements to Secret Lake Park. In March 2018, the City applied to FDEP for \$200,000 in LWCF Grant funding with a \$200,000 local match commitment, for a total of \$400,000 to construct improvements to Secret Lake Park. The City's application ranked #2 in Florida in its category and was awarded the requested federal funding. In February 2019, via Resolution 19-3079, the City Commission approved an Agreement with FDEP for the LWCF Grant for Secret Lake Park. Improvements have since been completed in conjunction with the larger voter-approved Parks Bond Referendum initiative.

Discussion: Staff is currently working to close out the grant in order to receive the \$200,000 reimbursement. The terms of the Agreement with FDEP for the LWCF Grant require that land owned by the City that is developed with LWCF funds be dedicated in perpetuity as an outdoor recreation site for the use and benefit of the public. In order to demonstrate this, as part of the grant closeout process, FDEP requires that the City execute and record a Notice of Site Dedication and Limitation of Use. This Notice is attached as Attachment 1. It includes a restriction that if the City converts any part of the project site or facilities thereon developed with grant assistance to other than a use approved by FDEP, the grantee shall replace the area, facilities, resource, or site at its own expense with an acceptable project of comparable or greater value, scope, and quality. The Notice includes a legal description and depiction of the project boundary, which purposely excludes the Recreation Center building itself, as it did not benefit from the LWCF grant and so any future potential improvements to it would not be encumbered by this Notice.

Resolution 23-5362 provides for approval and execution of the notice.

Budget Impact: There is no budget impact associated with this item.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Resolution 23-5362, approving and authorizing the execution of a Notice of Site Dedication and Limitation of use for Secret Lake Park associated with a Land and Water Conservation Fund Grant.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Resolution 23-5362 Notice of Limitation
2. Attachment 1



CITY MANAGER M E M O R A N D U M

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Excuse Absence of Commissioner Chad Albritton

Introduction: Commissioner Chad Albritton advised on April 10, 2023 that he is unable to attend the meeting due to illness. He has respectfully requested that his Excuse of Absence be placed on the Consent Agenda for consideration.



CITY MANAGER M E M O R A N D U M

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Future Agenda Items

Introduction: The opportunity to discuss items for placement on future City Commission agendas is provided.



CITY MANAGER M E M O R A N D U M

11.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Citywide Streetlight Need Study Presentation and Discussion

Introduction: Citywide Streetlight Need Study Presentation and Discussion

Background: The City of Casselberry has provided, and has imposed Street Lighting Assessments to fund, street lighting services since 2009. The provision of street lighting services and the operation and maintenance of streetlights provides beautification, better property identification and recognition, and enhances safety and accessibility of developed property, as well as preserving and/or enhancing the value and marketability of property along the street.

In 2014, outside counsel Bryant Miller Olive (with subconsultant Burton & Associates) did a study for the City by evaluating the Street Lighting Assessment Program and developed recommended assessment rates and an assessment roll. The assessment study addressed cost escalation in a ten-year projection period, Fiscal Year (FY) 2015 through FY 2024.

With FY 2025 approaching, a new assessment study is needed. Evaluating the existing and future needs for streetlighting will be the first step to perform this new assessment study.

In November 2022, the City Commission approved a Task Authorization for the City's consultant, Kimley-Horn & Associates, to conduct a Citywide Streetlight Need Study (referred to as the Need Study). This Need Study was completed in late March 2023.

Discussion: In the Need Study, Kimley-Horn identified needs and prioritized potential street lighting projects based on available crash data, crime rates, pedestrian activity, and vehicular data. Kimley-Horn also coordinated with Duke Energy to obtain cost information related to future lighting improvements. A cost per mile model for both roadway and pedestrian lighting were developed, and this model includes both estimated upfront construction costs and any leasing fees on a monthly basis.

The results of the Study were combined with budget and expenditure analyses to determine the need for and potential scale of an update to the Streetlighting Assessment fee. Four fee increase scenarios have been developed by City staff based on the Study. One scenario assumes no future additional streetlight needs will be addressed. The other three scenarios are based on the three tiers of project importance identified by the Need Study and their corresponding cost over a 10-year period.

City staff will present an overview of the Need Study and staff scenario analyses. Copies of the presentation and the full Need Study are attached.

Budget Impact: There is no impact on the City Budget at this time, but guidance from the City Commission will influence the proposed FY 2024 Budget relative to street lighting.

Recommendation: City staff is seeking feedback from City Commissioners on the next steps regarding a potential update to the City's Street Lighting Assessment Program.

Prepared by: Jane Dai, City Engineer

Attachments:

1. Citywide Streetlight Need Study Presentation
2. Casselberry Streetlight Need Study



CITY MANAGER M E M O R A N D U M

12.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: April 10, 2023
Subject: Resolution 23-5363 - Authorization for the City Manager to Execute an Agreement with Bryant Miller Olive for Street Lighting Assessment Update and Related Budget Amendment #23-047

Introduction: Resolution 23-5363 and related Budget Amendment #23-047 provide for approval of authorization for the City Manager to execute an agreement with Bryant Miller Olive for an amount not to exceed \$50,000 for a Street Lighting Assessment update.

Background: In 2009, the City of Casselberry adopted Ordinance 09-1301, the Master Capital Project and Service Assessment Ordinance, which establishes the guidelines for the implementation of Special Assessments in accordance with Florida Statute. On September 14, 2009, Resolution 09-2078, Street Lighting Final Assessment Resolution, was adopted to provide the funds necessary to operate and maintain the street lighting for public rights-of-way within the City.

In January 2014, Resolution 14-2571 was adopted to approve and authorize the execution of an agreement with Bryant Miller Olive to update the Casselberry Street Lighting Assessment program. In February 2014, Resolution 14-2572 was adopted to approve using the uniform method of collecting street lighting assessment as non-ad valorem for properties within the limits of the City of Casselberry.

The City has provided, and has imposed Street Lighting Assessments to fund street lighting services since 2009. The provision of street lighting services and the operation and maintenance of streetlights provides beautification, better property identification and recognition, and enhances safety and accessibility of developed property, as well as preserving and/or enhancing the value and marketability of property along the street.

In November 2022, the City Commission approved a task authorization for the City's consultant, Kimley-Horn & Associates, to conduct a Citywide Streetlight Need Study (referred to as the Need Study).

Discussion: The Need Study has been completed and is being presented as part of a separate item on this same agenda. The Need Study used a tiered approach with a focus on safety to identify the existing and future need for streetlights within the City. Kimley-Horn also coordinated with Duke Energy to obtain cost information related to future lighting improvements.

The cost estimate derived from the Need Study requires the City to re-assess the Street

Lighting program if it wishes to proceed with any of the proposed improvements. Staff recommends engaging Bryant Miller Olive (special counsel) to update the Casselberry Street Lighting Assessment program based on their expertise and past experience with the program. As time is of the essence in order to enact changes that would go into effect in Fiscal Year 2024, staff recommends authorizing the City Manager to execute an Agreement for up to \$50,000. A budget amendment is necessary to provide funding toward that end.

Resolution 23-5363 provides for the requested authorization for the City Manager to execute an Agreement, and Budget Amendment #23-047 provides for the associated budget.

Budget Impact: Budget Amendment #23-047 will provide sufficient funding for this item by increasing General Fund Other Non-operating Sources account # 001-0000-389.90-00 and General Fund Engineering Professional Services account # 001-0710-539.31-00 each by \$50,000.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Resolution 23-5363 authorizing the City Manager to execute an agreement with Bryant Miller Olive for an amount not to exceed \$50,000 for a Street Lighting Assessment Update and approval of related Budget Amendment #23-047.

Prepared by: Jane Dai, City Engineer

Attachments:

1. Resolution 23-5363
2. Budget Amendment #23-047