

CITY OF CASSELBERRY CITY COMMISSION MEETING

Monday, June 26, 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.

AGENDA

1. MEETING CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. MINUTES

A. Minutes of April 10, 2023 - Regular Meeting

6. PRESENTATIONS/ COMMENDATIONS

A. Presentation: Award of Excellence in Public Procurement for 2023

Mayor Henson will recognize Procurement Division staff for achieving the Florida Association of Public Procurement Officials, Inc. Award of Excellence in Public Procurement for 2023.

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

- Fishback Dominick LLP, Invoice No. 116549 - \$531.75

B. Resolution 23-3353- Utility Easement Agreement with Madeleine Hernandez Milan for Parcel ID: 34-21-30-519-0000-0350 (2411 Antilles Drive)

Approval of Resolution 23-3353 authorizing a Utility Easement Agreement with Madeleine Hernandez Milan for utilities located on the property of 2411 Antilles Drive is requested.

C. **Agreement with Duke Energy for Lighting for Lake Concord Park Art House Expansion and Quail Pond Circle and Related Budget Amendment #23-066**

Approval of an Agreement with Duke Energy to install and maintain decorative lighting for the Lake Concord Park Art House Expansion and Quail Pond Circle in the upfront amount of \$16,017.27 and ongoing monthly amount of \$305.28 and related Budget Amendment #23-066 is requested.

D. **Piggyback Agreement with American Persian Engineering & Construction, LLC for Roadway and Sidewalk Improvements and Repair**

Approval to piggyback City of Kissimmee's contract IFB-2022-002 with American Persian Engineering & Construction, LLC (APEC) to provide roadway and sidewalk improvements and repair in the amount not to exceed \$300,000 is requested.

E. **Task Authorization No. 1 with American Persian Engineering & Construction, LLC for PW 2323 Legacy Park Drive Sidewalk Improvements and Related Budget Amendment #23-064**

Approval of Task Authorization No. 1 with American Persian Engineering & Construction, LLC (APEC) for PW 2323 Legacy Park Drive Sidewalk Improvements in the amount of \$88,440 and related Budget Amendment #23-064 is requested.

F. **City Labor Attorney Rate Adjustment**

Approval of a rate adjustment for labor and employment law attorney services provided by the law firm Fisher and Phillips, LLP from \$295/hour to \$305/hour effective October 1, 2023 is requested.

G. **Resolution 23-3354 - Agreement with Seminole County Sheriff's Office for Risk Protection Order Filing**

Approval of Resolution 23-3354 providing for an agreement between the City of Casselberry and the Seminole County Sheriff's Office to provide investigative assistance, general case management, and comprehensive legal services for risk protection orders, is requested.

H. **Resolution 23-3355 - Agreement with the Seminole County Sheriff's Office for Representation in Civil Forfeiture Actions**

Approval of Resolution 23-3355 providing for entering into an updated agreement for legal services & representation pertaining to civil forfeiture actions initiated by the Casselberry Police Department between the Seminole County Sheriff's Office and the City of Casselberry is requested.

I. **Purchase of Gaeltrbir GA Red/Blue Infrared Elite Series Wearable Safety Light Using Federal Forfeiture Funds and Related Budget Amendment #23-061**

Approval for purchase of seventy-five (75) Gaeltrbir GA Red/Blue Infrared Elite Series Wearable Safety Lights in the amount of \$8,100 and related Budget Amendment #23-061 is requested.

J. **Donation from State Law Enforcement Trust Funds to the Phi Beta Sigma Fraternity, Inc. Gamma Delta Sigma Chapter "Getting In Good Trouble" Awards Luncheon and Related Budget Amendment #23-067**

Approval of a donation from State Law Enforcement Trust Funds to the Phi Beta Sigma Fraternity, Inc. Gamma Delta Sigma Chapter "Getting in Good Trouble" Awards Luncheon in the amount of \$1,500 and related Budget Amendment #23-067 is requested.

8. DISCUSSION ITEMS

A. **Future Agenda Items**

9. RESOLUTIONS

A. **Resolution 23-3356 - Establishing a Charter Review Committee**

Approval of Resolution 23-3356 establishing a Charter Review Committee in accordance with Section 11.08 of the City Charter is requested.

10. FIRST READING OF ORDINANCES

A. **First Reading of Ordinance 23-1584 - Amending City Code of Ordinances Chapter 62, Pensions and Retirement, Article I, Police Officers' and Firefighters' Pension Plan**

Approval of Ordinance 23-1584 amending Chapter 62, Pensions and Retirement, Article I, Police Officers' and Firefighters' Pension Plan, Sections 62-2001, Definitions, 62-2004, Finances and Fund Management, 62-2016, Minimum Distribution of Benefits, 62-2026, Military Service Prior to Employment, and 62-2027, Prior Police or Fire Service, of the City Code of Ordinances is requested.

11. PUBLIC HEARINGS

The purpose of a Public Hearing is to receive input regarding the item being considered. Public Hearings are not intended to be a time for the public to obtain information about the subject matter of the hearing. (Hearing Sequence: 1st - Staff; 2nd - Applicant/Requesting Party; 3rd - Public; 4th - opportunity for brief rebuttals, if appropriate; Final - City Commission motion, discussion and action.)

A. **Second Reading of Ordinance 23-1582 - Amending an Existing Planned Unit Development (PUD) for the Property Located at 380 S.R. 436 and Approving the Associated PUD Agreement (ZB 22-09)**

Adoption of Ordinance 23-1582 (ZB 22-09) on second reading, amending the Planned Unit Development (PUD) Agreement and Concept Plan for the Icon Commons PUD established via Ordinance No. 21-1553, for one parcel, totaling approximately 1.04 acres, located at 380 S.R. 436 is requested.

12. OTHER ITEMS

A. **Street Lighting Assessment Update Presentation and Discussion**

B. **Selection of Voting Delegate at the Florida League of Cities Annual Conference**

Designation of one official from the City of Casselberry to be the voting delegate at the business meeting held during the Florida League of Cities 97th Annual Conference is requested.

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

A. **Procurement Information Report for the Period May 1, 2023 through May 31, 2023**

The May 2023 Procurement Information Report is provided for review.

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

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Minutes of April 10, 2023 - Regular Meeting

Introduction: The City Clerk is presenting the minutes of the April 10, 2023 Regular Meeting for approval.



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

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Presentation: Award of Excellence in Public Procurement for 2023

Introduction: The City of Casselberry has received the Florida Association of Public Procurement Officials, Inc. Award of Excellence in Public Procurement for 2023. The Award of Excellence in Public Procurement was established to recognize organizational excellence in procurement. It recognizes agencies that meet or exceed benchmarks and best practices in the Procurement Profession and is achieved by those organizations that obtain a high score on a rating of standardized criteria. The program is designed to measure innovation, professionalism, e-procurement, productivity, and leadership attributes of the procurement function. The Excellence in Public Procurement Awards Program is sponsored by the Florida Association of Public Procurement Officials, Inc. (FAPPO). The City of Casselberry is one of only twenty-three (23) agencies to win the Award, and a live ceremony to recognize the City and all of the winners was held on May 23, 2023 at 7:30 a.m. during the FAPPO Annual Conference. The City's achievement was honored by receiving a beautiful trophy.



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: June 26, 2023
Subject: Approval of Legal Services Invoices

Introduction: Consideration for approval of the legal services invoice from the Code Enforcement Special Magistrate 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:

Fishback Dominick LLP

- Code Enforcement Special Magistrate Services - May 2023 - Invoice No. 116549 - \$531.75

Budget Impact: Funds for the Code Enforcement Special Magistrate's invoice are available in FY 2023 Budget Account No. 001-0140-514.31.03.

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

Prepared by: Linda Sundvall, Deputy City Clerk

Attachments:

1. Invoice No. 116549



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: June 26, 2023
Subject: Resolution 23-3353- Utility Easement Agreement with Madeleine Hernandez Milan for Parcel ID: 34-21-30-519-0000-0350 (2411 Antilles Drive)

Introduction: Resolution 23-3353 provides for a Utility Easement Agreement with Madeleine Hernandez Milan for utilities located on the property of 2411 Antilles Drive.

Background: The City of Casselberry owns and operates a potable water distribution system made up of different materials and sized water mains. The Potable Water Master Plan proposed a capital improvements program for the water distribution system. One of these projects includes the replacement of approximately 13,500 linear feet of water main in the Windward Square subdivision due to its age and pipe material. The water mains were built in 1974 and are made up of asbestos cement pipe, which the City has been proactively removing from the system. The Windward Square Subdivision is made up of private roadways which are owned by Windward Square Homeowners Association, Inc. At the time the utility lines and subdivision were built, utility easements were developed and dedicated to the City of Casselberry for the operation and maintenance of the distribution and collection systems located throughout this community.

On October 14, 2019, the City Commission approved Task Authorization No. 2 with Hazen and Sawyer for the design of the Windward Square Water Main Replacement Project. On the same date, the City Commission approved Task Authorization No. 3 with Southeastern Surveying and Mapping for utility surveying services associated with this project. After surveying was performed, it was determined that the majority of the existing water lines are outside of the previously recorded easements. On March 28, 2022, the City Commission approved Resolution 22-3301 for the Utility Easement Agreement with Windward Square Homeowners Association (HOA), Inc. for the Windward Square Subdivision, which includes a blanket easement to the City through the Windward Square Subdivision for the construction, installation, operation, maintenance and repair of public water and sewer utility lines, mains, pipes, pumps, valves, wires, structures, electrical controls, cables and similar appurtenances. This Utility Easement Agreement allowed the City to continue the design of the Windward Square Water Main Replacement. Through the surveying and design process, it was determined that additional water lines are located outside of the designated utility easements and outside the executed Utility Easement Agreement with Windward Square Homeowners Association.

Discussion: Through surveying, a City water line was found at the property of 2411 Antilles Drive. In order to maintain and replace the water main, a Utility Easement Agreement is required to be recorded. Madeleine Hernandez Milan, the owner of 2411

Antilles Drive, has executed a Utility Easement Agreement in favor of the City. The agreement grants and conveys a utility easement at 2411 Antilles Drive for the installation and maintenance of water infrastructure located within the property.

Budget Impact: There is no impact to the City budget.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Resolution 23-3353 approving the Utility Easement Agreement with the owner of 2411 Antilles Drive.

Prepared by: Jiovani Charres, Utility Engineer

Attachments:

1. Resolution 23-3353
2. Utility Easement Agreement



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: June 26, 2023
Subject: Agreement with Duke Energy for Lighting for Lake Concord Park Art House Expansion and Quail Pond Circle and Related Budget Amendment #23-066

Introduction: Approval of an Agreement with Duke Energy to install and maintain decorative lighting for the Lake Concord Park Art House Expansion and Quail Pond Circle in the upfront amount of \$16,017.27 and ongoing monthly amount of \$305.28 and related Budget Amendment #23-066 is requested.

Background: The vast majority of street lighting on City-owned streets and also in various parks in Casselberry is provided as a service by Duke Energy (Duke). The cost to add service consists of both an upfront cost to assist Duke with the installation (known as a CIAC - contribution in aid of construction) and ongoing monthly billing to cover rental, maintenance, and power for each street light installed. Ongoing monthly lighting costs for City streets are paid out of the City's dedicated Street Light Fund, and monthly costs within parks are paid out of Parks Maintenance operating accounts.

In 2022, the City completed project PW 1701 Quail Pond Circle Complete Street/Pedestrian Connectivity, which included improvements to Quail Pond Circle as well as a new shared use path connection from Quail Pond Circle to North Sunset Drive. While the project included lighting of the shared use path, it did not include street lighting improvements for Quail Pond Circle itself.

As part of its parks bond initiative, the City is currently constructing project PW 2111 Lake Concord Park Art House Expansion. As part of this, the City's contractor (Wharton-Smith) is responsible for placement of conduit onsite to allow Duke to install street lights, but the cost to install the street lights themselves is not currently budgeted.

Discussion: Duke has since finalized the lighting plan for improvements to Lake Concord Park and Quail Pond Circle and provided the City a proposal/agreement for its installation. The plan includes 9 decorative streetlights similar in style to existing fixtures within Lake Concord Park. Six (6) of these are proposed to be placed on the expanded park site, and three (3) of these are proposed to be placed along Quail Pond Circle along frontage of the Art House Expansion Project. The agreement (attached) is for an upfront (CIAC) cost of \$16,017.27 and an ongoing monthly cost of \$305.28. The contract is for ten years from the date of initiation of service, after which the lights can be changed or removed (if the City so desires) without penalty from Duke.

Funding for additional monthly costs associated with lighting for the Art House Expansion

was factored into the Parks Maintenance operating budget for Fiscal Year 2023. In addition there is funding available within the Street Light Fund to cover both the upfront cost and ongoing costs for the portion of street lights proposed for Quail Pond Circle. However there is currently no budget set aside to address the upfront cost for the onsite park portion of the street lights. Budget Amendment #23-066 proposes to cover this upfront cost using parks bond funding. The relative split for the upfront cost will be \$10,678.18 from parks bond funding and \$5,339.09 from the Street Light Fund. The relative split for the ongoing monthly cost will be \$203.52 from Parks Maintenance (General Fund) and \$101.76 from the Street Light Fund.

It should be noted that additional lighting along Quail Pond Circle may be warranted in the future to fully fill all current lighting gaps. This will be addressed via a future Agreement with Duke as needed.

Budget Impact: Budget Amendment #23-066 will increase the Parks Master Plan Fund Other Non-operating Source account# 307-0000-389.90-00 and the Parks Master Plan Infrastructure account# 307-0410-572.63-40 each by \$10,679 in order to sufficiently fund the upfront cost of this item. The remaining cost of \$5,339.09 is available in the Street Lighting Other Current Charges Account #120-0710-541.49-00.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of the Agreement with Duke Energy for lighting for the Lake Concord Park Art House Expansion and Quail Pond Circle and approval of related Budget Amendment #23-066.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Agreement
2. Budget Amendment #23-066



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: June 26, 2023
Subject: Piggyback Agreement with American Persian Engineering & Construction, LLC for Roadway and Sidewalk Improvements and Repair

Introduction: Approval to piggyback City of Kissimmee's contract IFB-2022-002 with American Persian Engineering & Construction, LLC (APEC) to provide roadway and sidewalk improvements and repair in the amount not to exceed \$300,000 is requested. (Ref. PBA-2023-1058)

Background: The Public Works & Utilities Department often relies on external contractors to handle street repairs. These repairs include tasks such as sidewalk installations, concrete work, curbs and gutters, asphalt repair and replacement, and landscaping. While the Department has the expertise to conduct these repairs internally, due to limited staffing and current workload, procuring a contractor to perform the work ensures both efficiency and adherence to project timelines citywide.

Discussion: City staff recommends entering into a "piggyback" agreement with American Persian Engineering & Construction, LLC to provide the required services. The piggyback term agreement (Ref. PBA-2023-1058) is based on the City of Kissimmee contract IFB-2022-002 with APEC and can be used for various roadway and sidewalk repairs. The term of the agreement is from June 26, 2023 through September 20, 2025, with the option for two, one-year renewals (subject to contract renewal by City of Kissimmee). The not-to-exceed amount is \$300,000 for the entire term.

Budget Impact: There is no impact to the City Budget. Various Public Works & Utilities Department operating accounts (and/or other Department accounts) will be used as needed for these services, subject to available budget.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of the piggyback agreement with American Persian Engineering & Construction, LLC in the amount not to exceed \$300,000 for the entire term.

Prepared by: Lenny Barden, Public Works Divisions Director

Attachments:

1. Agreement
2. Exhibit A



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

7.E.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Task Authorization No. 1 with American Persian Engineering & Construction, LLC for PW 2323 Legacy Park Drive Sidewalk Improvements and Related Budget Amendment #23-064

Introduction: Approval of Task Authorization No. 1 with American Persian Engineering & Construction, LLC (APEC) for PW 2323 Legacy Park Drive Sidewalk Improvements in the amount of \$88,440 and related Budget Amendment #23-064 is requested. (Ref. PBA-2023-1058).

Background: The City of Casselberry is committed to maintaining and improving its infrastructure to ensure safe and efficient roadways, trails, and sidewalks for its residents. The Public Works & Utilities Department not only oversees routine maintenance and repairs but also manages budgeting and planning for large-scale projects that go beyond the capabilities of the City staff.

The City has adopted both a Multimodal Transportation Master Plan (MTMP) and an Americans with Disabilities Act (ADA) Evaluation and Transition Plan, both of which guide the programming of specific transportation improvements in the City.

In cooperation with the Legacy Park Homeowners Association, City staff has identified significant pedestrian accessibility issues with Legacy Park Drive from Seminola Blvd. to Grand Rue Dr. Although not originally constructed by the City, Legacy Park Drive was dedicated as a public street as part of the platting process for Legacy Park, and thus is the City's maintenance responsibility. The sidewalks for this block consist primarily of pavers, which have become uneven over the years, in part due to adjacent tree roots. The need for improvements to this block was not captured in the MTMP nor the ADA Transition Plan, but staff has determined it is severe enough to warrant prompt attention.

City staff has determined the necessary improvements are beyond in-house resources to handle on their own. Therefore, staff sought out contractor resources to assist with the work. A piggyback agreement (Ref. PBA-2023-1058) with American Persian Engineering & Construction, LLC is proposed by a preceding item on this same agenda; this agreement covers the types of services needed to complete this project.

Discussion: American Persian Engineering & Construction, LLC has provided a proposal to cover the sidewalk improvements for the proposed project PW 2323 Legacy Park Drive Sidewalk Improvements, as encapsulated in the attached Task Authorization No. 1. The total cost of Task Authorization No. 1 is \$88,440. Staff also recommends authorizing the City

Manager to execute change orders up to a cumulative amount of 5% (\$4,422) should the need arise during the project. The total maximum cost of the project would therefore be \$92,862. The work will include replacing the paver sidewalk with concrete sidewalk. Root barrier will also be placed to reduce future impacts from the adjacent trees.

Staff proposes the cost of the project with Local Option Gas Tax proceeds. As no budget has been established for this project, and it is considered a capital expense, a budget amendment is necessary.

Budget Impact: Budget Amendment #23-064 will increase Local Option Gas Tax Fund accounts 109-0000-389.90-00 and 109-0710-541.63-40 each by \$92,873, sufficient to cover the cost of Task Authorization No. 1 and the contingency.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Task Authorization No. 1 with American Persian Engineering & Construction, LLC for PW 2323 Legacy Park Drive Sidewalk Improvements in the amount not exceed \$88,440, authorization for the City Manager to execute change orders as needed in the cumulative amount not to exceed \$4,422, and related Budget Amendment #23-064.

Prepared by: Lenny Barden, Public Works Divisions Director

Attachments:

1. Task Authorization No. 1
2. Budget Amendment #23-064



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

7.F.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: City Labor Attorney Rate Adjustment

Introduction: Approval of a rate adjustment for labor and employment law attorney services provided by the law firm Fisher and Phillips, LLP from \$295/hour to \$305/hour effective October 1, 2023 is requested.

Background: Jeff Mandel and the law firm he serves with, currently Fisher and Phillips, is the formal Labor Attorney for the City and has provided labor and employment law services for the City of Casselberry since the year 1999. The rate has increased through the years, including most recently in 2012 to \$250/hour, in 2015 to \$265/hour, in 2018 to \$280/hour, and in 2021 to \$295/hour. Throughout this time, Mr. Mandel and other partners and associates of Fisher and Phillips have provided quality legal representation on certain labor and employment law matters.

Discussion: Mr. Mandel, Regional Managing Partner of the firm, has provided correspondence requesting an adjustment by increasing the current rate of \$295/hour to \$305/hour. If approved, it would be well below their private sector rates and at or below the fees paid to the firm by other public sector clients. The rates would take effect October 1, 2023.

Budget Impact: Funds will be budgeted accordingly in City Attorney services account #001-0140-514-31.01 for FY 2024 and future years.

Recommendation: The City Manager and Administrative Services Director recommend approval of the City Labor Attorney rate adjustment as proposed.

Prepared by: Andy Brooks, Administrative Services Director

Attachments:

1. Labor Attorney Rate Adjustment Letter 2023



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

7.G.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Resolution 23-3354 - Agreement with Seminole County Sheriff's Office for Risk Protection Order Filing

Introduction: Resolution 23-3354 provides for an agreement between the City of Casselberry and the Seminole County Sheriff's Office to provide investigative assistance, general case management, and comprehensive legal services for risk protection orders.

Background: Per Florida State Statute, Section 163.01 (2) and 163.01 (14), the Casselberry Police Department and the Seminole County Sheriff's Office are authorized to enter into inter-local agreements for the provisions of services. The Casselberry Police Department currently has in place several inter-local agreements with the Seminole County Sheriff's Office, which have proven to be beneficial to the City and the Police Department. Currently, other local police departments in Seminole County have agreed to utilize the Seminole County Sheriff's Office as a means of initiating and processing their risk protection orders.

The Marjory Stoneman Douglas High School Public Safety Act was enacted on March 09, 2018, a part of which created section 790.401, Florida Statutes. This act is also known as "The Risk Protection Order Act." The Act creates a process for a law enforcement officer or law enforcement agency to petition a court for a temporary and/or long-term risk protection order (RPO). The long term RPO will prohibit (for up to 12 months) a person from having in their custody or control any firearm or ammunition when the person is found to be a significant danger of harming himself or herself or others by possessing a firearm or ammunition. The Act also provides for an ex parte temporary risk protection order, if necessary, in certain circumstances. Obtaining a risk protection order is a complicated legal process, and it must be done via petition to the Circuit Court. Currently, the Police Department would need to use the City's legal firm for the processing of such proceedings and monies from the City's general fund for the associated attorneys' fees.

Discussion: The Seminole County Sheriff's Office has agreed to provide aid with intake, review, assistance, processing, and legal representation to litigate these cases at no charge to the City. In addition, and as part of the agreement, the Sheriff's counsel will be available to provide on-going legal advice on RPO's, to include the training of employees, also without incurring an expense. As a result of this agreement, the administrative burden placed upon the Police Department from a risk protection case/proceeding will be greatly reduced. This agreement will improve the efficiency and effectiveness of the Police Department to provide both this and other law enforcement services for the community.

Budget Impact: There is no change to the City's adopted budget.

Recommendation: The City Manager and Police Chief recommend approval of Resolution 23-3354 and the Agreement for Risk Protection Order Filing between the Seminole County Sheriff's Office and the City of Casselberry.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:

1. Resolution 23-3354
2. Agreement



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

7.H.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Resolution 23-3355 - Agreement with the Seminole County Sheriff's Office for Representation in Civil Forfeiture Actions

Introduction: Resolution 23-3355 provides for consideration to enter into an updated agreement for legal services & representation pertaining to civil forfeiture actions initiated by the Casselberry Police Department between the Seminole County Sheriff's Office and the City of Casselberry.

Background: Pursuant to the Florida Interlocal Cooperation Act of 1969, FSS §163.01, the City of Casselberry and the Seminole County Sheriff's Office are authorized to enter into a variety of interlocal agreements for the provisions of services. There is an existing forfeiture services agreement between the parties that needs to be updated which will provide for continued legal services and representation concerning civil forfeiture actions, attached hereto as Exhibit A.

Discussion: The purpose of the Casselberry Police Department's Asset Forfeiture Program is to disrupt and dismantle criminal enterprises, deprive criminals of the proceeds of illegal activity, deter crime, and restore property to victims. Florida's Contraband Forfeiture Act contains specific requirements for the agency to proceed with, and to successfully conclude a forfeiture action, all of which require sophisticated legal representation throughout the process. Rather than paying for legal services in the traditional hourly format, the Sheriff has agreed to assign his full-time legal counsel to litigate forfeiture cases in the best interests of the City and its citizens in exchange for 20% of the net proceeds of each forfeiture action and the payment of administrative costs. The City also reserves the right, at its option, to hire its own legal counsel for any particular proceeding.

Budget Impact: Any costs that cannot be paid with proceeds from a forfeiture will be funded by the Law Enforcement/Other Current Charges account #001-0610-521.34-00. This agreement is a cost-effective way to handle the legal aspects of forfeitures initiated by the Casselberry Police Department, minimize financial risks of litigation, and maximize efficiency by having access to a full-time legal counsel who specializes in law enforcement forfeiture cases.

Recommendation: The City Manager and Police Chief recommend approval of Resolution 23-3355 and the Agreement for Legal Services for Forfeiture Actions between the Seminole County Sheriff's Office and the City of Casselberry.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:

1. Resolution 23-3355
2. Agreement
3. Agreement Exhibits



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

7.I.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Purchase of Gaeltrbir GA Red/Blue Infrared Elite Series Wearable Safety Light Using Federal Forfeiture Funds and Related Budget Amendment #23-061

Introduction: Approval for purchase of seventy-five (75) Gaeltrbir GA Red/Blue Infrared Elite Series Wearable Safety Light for the Casselberry law enforcement officers in the amount of \$8,100 and related Budget Amendment #23-061 is requested.

Background: The red/blue infrared elite series wearable safety light is used by officers to illuminate themselves and the surrounding areas. This tool is particularly useful at night to alert others to their location and during the day can be seen up to a mile away as well as having an infrared light feature that allows the officer to be visible by a helicopter. This light will provide safety to the officers and extra protection while directing traffic.

Discussion: The Police Department is requesting permission to utilize federal forfeiture funds, in the amount of \$8,100 for the purchase of seventy-five (75) Gaeltrbir GA Red/Blue Infrared Elite Series Wearable Safety Light for the Casselberry law enforcement officers.

Budget Impact: Budget Amendment #23-061 will increase Justice Equity Sharing Fund Small Tools & Minor Equipment account #122-0610-521.56-00 and Other Non-Operating Sources account #122-0000-389.90-00 in the amount of \$8,100 which will be used for the purchase Guardian Angel Elite Personal Safety Light Bar.

Recommendation: The City Manager and Police Chief recommend the approval for the purchase of the of seventy-five (75) Gaeltrbir GA Red/Blue Infrared Elite Series Wearable Safety Light for the Casselberry law enforcement officers and related Budget Amendment #23-061.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:

1. Quote



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

7.J.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Donation from State Law Enforcement Trust Funds to the Phi Beta Sigma Fraternity, Inc. Gamma Delta Sigma Chapter "Getting In Good Trouble" Awards Luncheon and Related Budget Amendment #23-067

Introduction: Approval of a donation from State Law Enforcement Trust Funds to the Phi Beta Sigma Fraternity, Inc. Gamma Delta Sigma Chapter "Getting in Good Trouble" Awards Luncheon held June 23, 2023, in the amount of \$1,500 and related Budget Amendment #23-067 is requested.

Background: According to Florida State Statute 932.7055, "Any local law enforcement agency that acquires at least \$15,000 pursuant to the Florida Contraband Forfeiture Act within a fiscal year must expend or donate no less than 25 percent of such proceeds for the support or operation of any drug treatment, drug abuse education, drug prevention, crime prevention, safe neighborhood, or school resource officer program or programs. The local law enforcement agency has the discretion to determine which program or programs will receive the designated proceeds."

The Casselberry Police Department received approximately \$10,179 in funds in Fiscal Year 22-23, thus bringing the State Law Enforcement Trust Fund account to a current balance of approximately \$134,901. Although the statutory threshold has not been met regarding a mandatory donation yet, the Police Department desires to financially assist entities that have beneficial programs to better serve our community.

Discussion: A donation request was received from the Phi Beta Sigma Fraternity, Inc. Gamma Delta Sigma Chapter, whose mission is to provide scholarships and continuing educational opportunities to its youth auxiliary and to provide service to the Metro Orlando area by engaging in activities that promote the Fraternity's International Programs of Bigger & Better Business, Education, Social Action, and the Sigma Beta Club.

This request for support arrived June 8, 2026. Unfortunately, the first opportunity to present this request to the City Commission was after the donation was needed. The "Getting in Good Trouble" Awards Luncheon was held on June 23, 2023. The City Manager and the Police Chief view the purpose of the donation as being worthy and deserving of special treatment.

This event is being sponsored by local law enforcement agencies such as the Orange County Sheriff's Office and the Sanford Police Department, as well as local businesses such as Disney and Clear Channel Outdoor. There will be no budget impact on the General

Fund. The approval of this donation will result in the reduction of \$1,500 from the State Law Enforcement Trust fund account. The Police Chief certifies that this request complies with the provisions of Florida Statutes Section 932.7055 5 (b).

Budget Impact: Budget Amendment #23-067 will establish the budget for this expenditure. The State Law Enforcement Trust Fund will increase the Aids to Private Organizations account #104-0610-521.82-00 and the Other Non-Operating Sources account #104-0610-389.90-00 by \$1,500.

Recommendation: The City Manager and Police Chief recommend approval of the donation that was made June 23, 2023, to the Phi Beta Sigma Fraternity, Inc. Gamma Delta Sigma Chapter "Getting In Good Trouble" Awards Luncheon and related Budget Amendment #23-067.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:

1. Budget Amendment #23-067



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

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 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

9.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Resolution 23-3356 - Establishing a Charter Review Committee

Introduction: Resolution 23-3356 provides for establishment of a Charter Review Committee in accordance with Section 11.08 of the City Charter.

Background: Section 11.08 of the City Charter requires that the Charter have a periodic review by a citizen review committee every seven years to make recommendations to the City Commission for possible submission to the voters at the next regular election and said committee to be appointed one year before the election cycle. The last Charter review was conducted in 2015-2016.

Discussion: The next regular City election is scheduled to be held on August 20, 2024 in conjunction with the State Primary, therefore, the Charter Review Committee must be appointed by August 2023. Resolution 23-3356 provides for the establishment of a five (5) member committee for review of the existing City Charter and provide written recommendations for amendments to the City Commission no later than January 22, 2024. The City Commission will take separate action at the July 24, 2023 meeting to appoint the Committee members. The Charter review process will be facilitated by the City Clerk and the City Attorney. The Commission, upon receipt of the Committee's final report and recommendations, shall review the same and determine whether the existing Charter should be amended or revised. Upon consideration and acceptance of the final report and recommendations of the Charter Review Committee by the City Commission, the Committee shall be deemed disbanded and the Committee's existence shall terminate.

Budget Impact: There is no impact to the City Budget.

Recommendation: The City Manager and the City Clerk recommend approval of Resolution 23-3556, establishing a Charter Review Committee in accordance with Section 11.08 of the City Charter.

Prepared by: Donna Gardner, City Clerk

Attachments:

1. Resolution 23-3356



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

10.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: First Reading of Ordinance 23-1584 - Amending City Code of Ordinances Chapter 62, Pensions and Retirement, Article I, Police Officers' and Firefighters' Pension Plan

Introduction: Approval of Ordinance 23-1584 amending Chapter 62, Pensions and Retirement, Article I, Police Officers' and Firefighters' Pension Plan, Sections 62-2001, 62-2004, 62-2016, 62-2026 and 62-2027 of the City Code of Ordinances is requested.

Background: The City of Casselberry has a Police Officers' and Firefighters' Pension Plan that was effective January 1, 1996. Legislative (State of Florida and IRS) and collective bargaining changes require plan amendments from time to time. The plan amendments are prepared by the pension plan attorney, approved by the pension board and reviewed by the plan actuary for financial impact. The Board of Trustees of the City of Casselberry Police Officers' and Firefighters' Pension Plan met on May 9, 2023 to discuss a proposed ordinance to amend the Pension Plan. They voted to recommend that the City Commission adopt the proposed ordinance.

Discussion: Ordinance 23-1584 amends Chapter 62, Pensions and Retirement, Article I, Police Officers' and Firefighters' Pension Plan, Sections 62-2001, 62-2004, 62-2016, 62-2026 and 62-2027 of the City Code of Ordinances as follows:

1. Section 62-2001, Definition of Salary, to add necessary language to clarify the determination period for maximum annual compensation for members who leave the service of the City who have completed less than 12 months of service during a fiscal year. This change is provided for in the Internal Revenue Code and its associated Treasury Regulations.
2. Section 62-2004, Finances and Fund Management, to provide language regarding Board discretion on seeking recovery of inadvertent overpayments from the Fund, as permitted by recently adopted Secure Act 2.0.
3. Section 62-2016, Minimum Distribution of Benefits, to provide for recent changes to the Internal Revenue Code in the Secure Act 2.0, changing the required distribution date from age 72 to the applicable age provided for in the Internal Revenue Code, as amended from time to time.
4. Section 62-2026, Military Service Prior to Employment, and Section 62-2027, Prior Police or Fire Service, to amend the option for members to pay for purchased credited service at no cost to the plan, by after-tax payroll deductions, over a period of time not to exceed 5 years, rather than making one lump sum payment.

Budget Impact: There is no impact on the City Budget associated with the approval of this ordinance.

Recommendation: The City Manager and Finance Director recommend approval of Ordinance 23-1584 on first reading.

Prepared by: Gladymir Ortega, Finance Director

Attachments:

1. Ordinance 23-1584
2. No Impact Letter



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: June 26, 2023
Subject: Second Reading of Ordinance 23-1582 - Amending an Existing Planned Unit Development (PUD) for the Property Located at 380 S.R. 436 and Approving the Associated PUD Agreement (ZB 22-09)

Introduction: Adoption of Ordinance 23-1582 (ZB 22-09) on second reading, amending the Planned Unit Development (PUD) Agreement and Concept Plan for the Icon Commons PUD established via Ordinance No. 21-1553, for one parcel, totaling approximately 1.04 acres, located at 380 S.R. 436 is requested.

Background: The subject property, 380 S.R. 436, is ±1.04 acres and is generally located northwest of the intersection of S.R. 436 and Lamplite Way, falling within both the Community Redevelopment District (CRD) and the Oxford Park Overlay District (OPOD). The subject property has a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation. In June 2021, the City Commission approved rezoning the subject property from CG (Commercial General) to PMX-MID (Planned Mixed-Use: Medium Rise) via Ordinance 21-1553 to establish the Icon Commons Planned Unit Development (PUD) for which the associated concept was for a six-story mixed-use building.

Later in May 2022, the mixed-use project received site plan approval from the Planning and Zoning Commission (P&Z), the City's Local Planning Agency, but development never commenced; the site remains vacant today. Now, the Applicant desires to substantially modify the existing PUD Agreement to provide for the development of a single-story drive-through coffee establishment. 7 Brew Coffee is an Arkansas-based drive-through coffee chain focused on custom hand-crafted drinks and swift service.

The current zoning district, PMX-MID, is classified as a PUD zoning district and must adhere to the requirements outlined in ULDR Article XX, Planned Unit Development. Further, modifications to existing PUD Agreements require approval of a revised PUD Agreement and associated Concept Plan as part of a rezoning process. The City's Development Review Committee (DRC) approved a revised Concept Plan for ZB 22-09 on February 16, 2023.

On April 12, 2023, P&Z held a public hearing and recommended approval to the City Commission of Ordinance 23-1582, including the associated PUD Agreement and Concept Plan, by a 3-1 vote. Prior to the public hearing, notice of the proposed amendment was posted at the subject property on March 29, 2023. A notice was also published in the *Orlando Sentinel* on March 30, 2023, and letters were mailed to all property owners within 500 ft. of the subject property that same day. On May 15, 2023, the City Commission

approved Ordinance 23-1582 upon first reading. A notice for the public hearing for the second reading of Ordinance 23-1582 was advertised in the *Orlando Sentinel* on June 16, 2023.

Discussion: Staff finds that the request to amend the Icon Commons PUD Agreement and Concept Plan to provide for the development of a drive-through coffee establishment for the subject property is:

1. Consistent with the City's Comprehensive Plan and the Major Thoroughfare Mixed-Use Future Land Use designation;
2. Compatible and consistent with the adjacent land uses and zoning districts; and
3. That connections for City water and sanitary sewer services are available to the subject property.

Budget Impact: There is no impact on the City's Budget.

Recommendation: The City Manager and Community Development Director recommend the adoption of Ordinance 23-1582 on second and final reading and approval of the associated PUD (Planned Unit Development) Agreement.

Prepared by: Antonia DeJesus, Chief Planner

Attachments:

1. Ordinance 23-1582 and PUD Agreement with Concept Plan



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: June 26, 2023
Subject: Street Lighting Assessment Update Presentation and Discussion

Introduction: Street Lighting Assessment Update Presentation and Discussion

Background: In January 2014, Resolution 14-2571 was adopted to approve and authorize the execution of an agreement with Bryant Miller Olive (special counsel) 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 been imposing 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, Kimley-Horn and Associates, Inc., one of the City's current continuing consultants for transportation planning and engineering services, was contracted to conduct a Citywide Streetlight Need Study (referred to as the Need Study) for the City. The cost estimate derived from this Need Study requires the City to re-assess the Street Lighting program, as City plans to proceed with the proposed improvements based on guidance received from the City Commission at the April 10, 2023 City Commission meeting.

As time is of the essence in order to enact changes that would go into effect in Fiscal Year (FY) 2024, on April 10th, 2023, via Resolution 23-5363, the City Commission authorized City Manager to execute an Agreement with Bryant Miller Olive for a Street Lighting Assessment Update. The draft update was completed by Bryant Miller Olive and its sub-consultant, Raftelis Financial Consultants, Inc. (Raftelis) in early June 2023.

Discussion: The assessment model results of the Street Lighting Assessment Update report were based on budget and expenditure analysis. Raftelis reviewed the proposed 10-year Street Lighting Service improvements from the Need Study and the corresponding fee increase scenarios, initialized its assessment model and calculated the size of equivalent residential unit (ERU), and then allocated the Street Lighting costs to properties based upon the updated methodology.

Raftelis will present an overview of the Street Lighting Assessment update and results. Copies of the presentation and draft report are attached.

Budget Impact: There is no impact on the City Budget at this time. However, guidance from the City Commission will influence the proposed FY 2024- FY 2033 Budget relative to street lighting.

Recommendation: City staff is seeking feedback from the City Commission regarding the assessment methodology and proposed rates from this Street Lighting Assessment Update.

Prepared by: Jane Dai, City Engineer

Attachments:

1. Street Lighting Draft Report
2. Casselberry Street Lighting Assessment Update Presentation



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

12.B.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Selection of Voting Delegate at the Florida League of Cities Annual Conference

Introduction: The Florida League of Cities (FLC) has asked each municipality to designate one official to be the voting delegate for the Business Meeting scheduled for Saturday, August 12, 2023.

Background: Election of the Florida League of Cities' leadership and adoption of resolutions are undertaken at the Business Meeting. One official from each municipality will make decisions that determine the direction of the League. In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida. This year, the League will hold the Annual Conference at the Hilton Orlando Bonnet Creek in Orlando August 10 - 12, 2023.

Discussion: The Business Meeting is scheduled for Saturday, August 12, 2023 at 9:00 a.m.

Budget Impact: There is no impact to the City budget.

Recommendation: The City Manager recommends the City Commission consider designating a voting delegate for the Florida League of Cities 97th Annual Conference.

Prepared by: Donna Gardner, City Clerk

Attachments:

1. 2023 Voting Delegate Memo and Form



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

14.A.

To: The Honorable Mayor and City Commissioners
From: The City Manager
Date: June 26, 2023
Subject: Procurement Information Report for the Period May 1, 2023 through May 31, 2023

Introduction: A list of contracts, task orders, amendments, and/or emergency procurements issued, approved and signed by the City Manager or Procurement Manager, as applicable, from May 1, 2023 through May 31, 2023 is submitted for the record.

Background: Pursuant to Section 3.0(B)(8) of the Procurement Policy, the City Manager or designee shall provide monthly reports to the City Commission on various procurement activities either as an informational item on the agenda or via electronic communication. The report sets forth all awards for all Agreements, Contracts, Task Authorizations, and/or Amendments approved and executed by the City Manager, Procurement Manager, or designee. When applicable, pursuant to Section 5.5 of the Procurement Policy, the City Manager shall report to the City Commission emergency procurements exceeding his purchasing authority threshold at their next City Commission meeting.

Discussion: Pursuant to the City Purchasing Policy, please find a report outlining the various procurement activities for the month of May 2023.

Budget Impact: There is no impact to the City budget.

Recommendation: The City Manager recommends acceptance of the Procurement Information Report for the stated period.

Prepared by: Cheryl Olson, Procurement Manager

Attachments:

1. May 2023 Procurement Information Report