CITY OF CASSELBERRY
CITY COMMISSION MEETING

Monday, November 27, 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 July 10, 2023 - Budget Workshop**

B. **Minutes of July 24, 2023 - Regular Meeting**

6. PRESENTATIONS/ COMMENDATIONS - None

7. CONSENT AGENDA

The action proposed to be taken it 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. 99042 - $19,593.63
- Fishback Dominick LLP, Invoice No. 118082 - $357.50

B. **Agreement with Construct Co, Inc. for the Wirz Park Boardwalk Replacement and Related Budget Amendment #24-008**

Approval of an agreement with Construct Co, Inc. for the replacement and repair of the Wirz Park boardwalk in the total amount of $199,093.37 and related Budget Amendment #24-008 is requested.

C. **Donation from State Law Enforcement Trust Funds to the Central Florida Chapter of Concerns of Police Survivors and Related Budget Amendment #24-004**

Approval of a donation from State Law Enforcement Trust Funds to the Central Florida Chapter of Concerns of Police Survivors in the amount of $1,500 and related Budget Amendment #24-004 is requested.

D. **Piggyback Agreement with U.S. Submergent Technologies, LLC for Reservoir Environmental Cleaning Services**

Consideration of a piggyback agreement with U.S. Submergent Technologies, LLC, for Reservoir Cleaning Services, on an as-needed basis, in an amount not to exceed $110,000 annually is requested.

E. **Reorganization of the Police Department - Administration**

Reorganization of the Police Department Administration Division by reconfiguring the Police Administrative Services Coordinator and Accreditation and Grants Coordinator positions is requested.

F. **Agreement with Thompson Consulting Services, LLC for Disaster Debris Monitoring Services**

Approval of an Agreement with Thompson Consulting Services, LLC for disaster debris monitoring services is requested.

G. **Agreement with CrowderGulf Joint Venture, Inc. for Disaster Debris Removal and Ancillary Services**

Approval of an Agreement with CrowderGulf Joint Venture, Inc. for disaster debris removal and ancillary services is requested.

H. **Agreement with Aftermath Disaster Recovery, Inc. for Disaster Debris Removal and Ancillary Services**

Approval of an Agreement with Aftermath Disaster Recovery, Inc. for disaster debris removal and ancillary services is requested.

I. **Agreement with Ceres Environmental Services, Inc. for Disaster Debris Removal and Ancillary Services**

Approval of an Agreement with Ceres Environmental Services, Inc. for disaster debris removal and ancillary services is requested.

J. **Purchase of a Blower for Parks and Related Budget Amendment #24-003**

Approval to purchase a blower for the Parks Maintenance Division in the amount of $9,000 from the Everglades Equipment Group and related Budget Amendment #24-003 is requested.

K. **Resolution 23-3385- State of Florida Statewide Mutual Aid Agreement**

Approval of Resolution 23-3385 authorizing an agreement between the City of Casselberry and the State of Florida for the Statewide Mutual Aid Agreement is requested.

L. **Resolution 23-3387 - Supplemental Agreement No. 1 to the Local Agency Program Agreement with the Florida Department of Transportation for the Southcot Drive Bicycle-Pedestrian Improvements Project and Budget Amendment #24-006**

Approval of Resolution 23-3387 which provides for Supplemental Agreement No. 1 to the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Southcot Drive Bicycle-Pedestrian Improvements Project which provides additional funding of $148,226.13 awarded by MetroPlan Orlando and related Budget Amendment #24-006 is requested.

M. **Resolution 23-3388 - FY 2023 Fourth Quarter Budget Amendments and Transfers**

Approval of Resolution 23-3388 to formally adopt budget amendments and budget transfers approved during the fourth quarter of FY 2023 is requested.

N. **Amendment No. 3 to Agreement with SK Consortium, Inc. for Park Planning and Design Projects**

Approval of Amendment No. 3 to the Agreement with SK Consortium, Inc. for Park Planning and Design Projects in order to increase the contractual limit from $1,200,000 to $1,225,000 is requested.

O. **Amendment No. 1 to the Agreement with Quality Lawn Services Unlimited, Inc. for Grounds Maintenance Services for Lift Stations and Water Plants**

Approval of Amendment No. 1 to the Agreement with Quality Lawn Services Unlimited, Inc. for grounds maintenance services for lift stations and water plants to extend the term to November 15, 2024 and to increase the cumulative contractual limit by $70,000 to a total of $280,000 is requested.

P. **Change Order No. 2 to Task Authorization #10 with SK Consortium, Inc. for Professional Design Services for "Wheel Park" - Phase 2 and Related Budget Amendment #24-009**

Approval of Change Order No. 2 to Task Authorization #10 with SK Consortium, Inc. in the amount not to exceed an additional $46,407 to provide additional professional services for project PW 2102 "Wheel Park" - Phase 2 and related Budget Amendment #24-009 is requested.

Q. **Budget Amendment #23-081 - Adjustments to the FY 2023 Budget**

Approval of Budget Amendment #23-081 providing for adjustments to the FY 2023 Budget is requested.

R. **Use of Federal Forfeiture Funds for the Purchase of an Enclosed Trailer, Mounted Accessories and Required Installation Hardware and Related Budget Amendment #24-007**

Approval for the use of federal forfeiture funds for the purchase of an enclosed trailer, mounted accessories and required installation hardware for the Community Relations and Training Section in the amount of $6,585 and related Budget Amendment #24-007 is requested.

8. DISCUSSION ITEMS

A. **Future Agenda Items**

9. RESOLUTIONS

A. **Resolution 23-3386 - Authorizing Participation in a Lawsuit and Settlement Process Regarding a Possible Contaminant Known as PFAS Substances**

Approval of Resolution 23-3386 authorizing participation by the City of Casselberry in a lawsuit against manufacturers and the settlement process for a possible contaminant known as PFAS substances, delegating authority to the City Manager to execute related claims documents and execution of a Legal Services Agreement is requested.

B. **Resolution 23-3389 - Amending Code of Boardmanship Policy**

Approval of Resolution 23-3389 amending the Code of Boardmanship Policy of expected Board and Commission Member conduct and ethics is requested.

10. FIRST READING OF ORDINANCES

A. **First Reading of Ordinance 23-1586 - Amending the City's Unified Land Development Regulations to Provide Standards for Multifamily Developments and to Address the 2023 Live Local Act (LPA 23-02)**

Approval of Ordinance 23-1586 (LPA 23-02), on first reading, to amend the City's *Unified Land Development Regulations* to provide standards for multifamily developments and address the 2023 Live Local Act, is requested.

B. **First Reading of Ordinance 23-1589 - Providing for the Annexation of One (1) Property Described with Parcel Identification Number 33-21-30-300-007B-0000 (ANX 23-02)**

Approval of Ordinance 23-1589 (ANX 23-02) on first reading for the voluntary annexation of one (1) property, described with Parcel Identification Number 33-21-30-300-007B-0000, and generally located 525 ft south of the intersection of Howell Branch Road and S.R. 436 sitting east of S. R. 436 is requested.

C. **First Reading of Ordinance 23-1590 - Charter Amendments**

Approval of Ordinance 23-1590 providing for eight (8) proposed amendments to the City Charter to be placed on the August 20, 2024 City Election ballot 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. **Public Hearing: Second Reading of Ordinance 23-1587 - Amending City Code of Ordinances, Chapter 2, Administration, by Adding a New Section on Real Property Transactions**

Approval of Ordinance 23-1587 amending City Code of Ordinances, Chapter 2, Administration, by adding a new section on real property transactions that provides for real property valued at $250,000 or less by the Seminole County Property Appraiser, the City may proceed with the transaction without acquiring an independent appraisal is requested.

12. OTHER ITEMS

A. **Award of Bid for ITB-2022-0954 and Agreement with W.T. Comp Inc. for Construction of the Southcot Drive Bicycle-Pedestrian Improvements Project**

Consideration to award a bid and execute an agreement with W.T. Comp Inc. in the total amount of $522,016.59 for construction of the Southcot Drive Bicycle-Pedestrian Improvements Project 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 October 1, 2023 through October 31, 2023**

The October 2023 Procurement Information Report is provided for review.

15. CITY ATTORNEY'S REPORT

A. **City Attorney Billing Rate Consumer Price Index (CPI) Increase**

Notification of an increase in the City Attorney hourly rate is provided.

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: November 27, 2023

Subject: Minutes of July 10, 2023 - Budget Workshop

Introduction: The City Clerk is presenting the minutes of the July 10, 2023 Budget Workshop for approval.

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Minutes of July 24, 2023 - Regular Meeting

Introduction: The City Clerk is presenting the minutes of the July 24, 2023 Regular Meeting for approval.

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: November 27, 2023

Subject: Approval of Legal Services Invoices

Introduction: Consideration for approval of the legal services invoices from the City Attorney and 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 invoices have been reviewed by the affected departments and are being presented for approval:

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

- City Attorney Services - October 2023 - Invoice No. 99042 - $19,593.63

Fishback Dominick LLP

- Code Enforcement Special Magistrate Legal Services - October 2023 - Invoice No. 118082 - $357.50

Budget Impact: Funds for the City Attorney's invoice are available in FY 2024 Budget Account No. 001-0140-514-31.01. Funds for the Code Enforcemement Special Magistrate invoice are available in FY 2024 Budget Account No. 001-0140-514-31.05.

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

Prepared by: Donna Gardner, City Clerk

Attachments:
1. Invoice No. 99042
2. Invoice No. 118082

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Agreement with Construct Co, Inc. for the Wirz Park Boardwalk Replacement and Related Budget Amendment #24-008

Introduction: Approval of an agreement with Construct Co, Inc. for the replacement and repair of the Wirz Park boardwalk in the total amount of $199,093.37 and related Budget Amendment #24-008 is requested. (Ref: ITB-2023-1059)

Background: The Fiscal Year (FY) 2023 Adopted Budget provided funding for the Trail Rehabilitation in the Infrastructure Sales Surtax Account 114-0710-541.63-40:

- $253,000 for Trail Rehabilitation (project PW 2311):
  - Group 1, Wirz Park
  - Group 2, Carriage Hill
  - Group 3, Casselberry Golf Club

The work required includes replacing wood decking and handrails with composite materials (similar to the decking used throughout the City, e.g. Lake Concord Park Boardwalk). Replacement of posts, repair of stringers or structural framing is also included as needed.

On Monday, June 6, 2023 the City solicited for Wirz Park, Carriage Hill, and the Casselberry Golf Club Boardwalk replacement (ITB-2023-1059). Bids were due on Monday, July 10, 2023. Based off of the current market in which the City has experienced high construction costs, it was determined the City may award one or more groups (sections of the boardwalks) to more than one Contractor based on budget constraints. Each group was evaluated individually.

As the amount for Group 2 was within staff signing authority, it was awarded by City staff during Fiscal Year 2023 to Full Sail Builders, Inc. in the amount of $39,043.25. In August 2023, the City Commission awarded Group 3 to Construct Co, Inc. in the amount of $162,060.14. Award of Group 1 was postponed due to budget limitations and to allow for Group 2 and 3 to be constructed first, as together they were within available budget. Construction of these two locations has been completed.

Discussion: For Group 1, six (6) contractors submitted bids. Bids ranged from $164,634.25 to $394,399.45. The lowest qualified bid submittal for Group 1 Wirz Park was Full Sail Builders, Inc. in the amount of $164,634.25. However, Full Sail has indicated they cannot honor that pricing. Staff therefore recommends award to the second lowest qualified bidder, Construct Co. Inc., in the amount of $199,093.37.

No budget has been established in Fiscal Year (FY) 2024 for this, so a Budget Amendment using sales tax proceeds is proposed to both roll over FY 2023 funds and providing additional funding in the amount of $147,197 in order to fully cover the cost of this item.

Budget Impact: Budget Amendment #24-008 will provide sufficient funding in sales tax account #114-0710-541.63-40 for this item by rolling over funds budgeted in FY 2023 for project PW 2311 which includes all three groups (Wirz Park, Carriage Hill, and Casselberry Golf Club) to instead be expensed in FY 2024, as well as providing an additional $147,197 in funding. The total budget amendment including funds rolled forward from FY 2023 is $400,197.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of the agreement with Construct Co, Inc. in the total amount of $199,093.37 for for the replacement and repair of the Wirz Park boardwalk and related Budget Amendment #24-008.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:
1. Agreement
2. BA 24-008

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Donation from State Law Enforcement Trust Funds to the Central Florida Chapter of Concerns of Police Survivors and Related Budget Amendment #24-004

Introduction: Approval of a donation from State Law Enforcement Trust Funds to the Central Florida Chapter of Concerns of Police Survivors in the amount of $1,500 and related Budget Amendment #24-004 is requested.

Background: A request was received from the Central Florida Chapter of Concerns of Police Survivors to help sponsor a ceremony to honor and remember those law enforcement officers who died in the line of duty. The Bluelight Gala ceremony will be held on February 17, 2024. A $1,500 donation is considered a "Silver Sponsor" and provides for Bluelight Gala Recognition, Social Media Spotlight, table placard, and eight (8) tickets to attend the ceremony. All proceeds support the attendance of the members of the Central Florida Chapter of Concerns of Police Survivors and provides an opportunity for the members to remember and honor those law enforcement officers who have died in the line of duty.

Discussion: This ceremony is important as it recognizes those law enforcement officers who have made the ultimate sacrifice and assists their families and friends in dealing with a horrific reality. The approval of this donation will result in the reduction of $1,500 from the State Law Enforcement Trust fund. The Police Chief certifies that this request is in accordance with the Federal Guide To Equitable Sharing for State, Local, and Tribal Law Enforcement Agencies.

Budget Impact: Budget Amendment #24-004 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 to the Central Florida Chapter of Concerns of Police Survivors in the amount of $1,500 and related Budget Amendment #24-004.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:
1. BA #24-004

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Piggyback Agreement with U.S. Submergent Technologies, LLC for Reservoir Environmental Cleaning Services

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Introduction: Consideration of a piggyback agreement with U.S. Submergent Technologies, LLC, for Reservoir Cleaning Services, on an as-needed basis, in an amount not to exceed $110,000 annually is requested. (Ref: PBA-2024-1098)

Background: The City owns and operates the Water Reclamation Facility which treats wastewater and distributes reclaimed water for irrigation. The facility contains several reservoir structures, including surge tanks and treatment plants that occasionally require deep cleaning to prevent solids from building up, which could affect the productivity of the wastewater treatment process. This type of cleaning is outside of City staff's capabilities and requires professional service. U.S. Submergent Technologies, LLC has performed cleaning of the Water Reclamation Facility's structures previously.

Discussion: U.S. Submergent Technologies, LLC, currently has a competitively bid agreement with the City of Orlando #IFB23-0211 for reservoir environmental cleaning services which is valid through June 10, 2026, with the option for the City of Orlando to renew for up to two (2) additional one (1) year terms. The proposed piggyback agreement (PBA-2024-1098) with U.S. Submergent Technologies, LLC, provides for reservoir cleaning services, on an as-needed basis, for an amount not to exceed $110,000 annually for the term of November 13, 2023, through June 10, 2026, for a total of $330,000.

City staff has identified the opportunity to receive grant funds to help pay for these services from the Sand and Grit Removal Grant Program administered by the Florida Department of Environmental Protection (FDEP). Any application by City staff for the Sand and Grit Removal Grant will be brought to City Commission prior to submission to FDEP.

It should be noted that the not-to-exceed amount is established as a means to provide for the maximum authorization. However, this amount does not imply actual expenditures since various departments must work within their budget parameters and availability of funds is verified prior to issuance of a purchase order. Task authorizations will be issued as work is identified. In addition, appropriations beyond Fiscal Year (FY) 2024 are subject to future City Commission approval.

Budget Impact: Funding is available in the FY 2024 Water and Sewer Fund Water Reclamation Repair and Maintenance account #401-0753-535.46-00 as needed. Prior to task authorizations being issued, funding availability will be confirmed.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of the piggyback agreement with U.S. Submergent Technologies, LLC, in the amount not to exceed $110,000 annually (for a total of $330,000 for the three-year term of the Agreement). City Commission approval further delegates through the established Purchasing Policy to the City Manager the authority to approve Task Authorizations within the scope of the Agreement and renewals of the Agreement (subject to renewals by City of Orlando) for up to an additional two (2) years.

Prepared by: Jiovani Charres, Utility Engineer

Attachments:

1. Agreement

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Reorganization of the Police Department - Administration

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Introduction: Reorganization of the Police Department Administration Division by reconfiguring the Police Administrative Services Coordinator and Accreditation and Grants Coordinator positions is requested.

Background: The Police Administration Division includes the Administrative Services Coordinator, Accreditation and Grants Coordinator, Records, and Staff Assistant. On March 3, 2023, the Accreditation and Grants Coordinator position became vacant. The Administrative Services Coordinator took over the responsibilities of Accreditation and Grants Coordinator while the Police Department posted and reviewed applications. After several months of minimal responses and candidates qualified for both accreditation and grants, the Command Staff started reviewing applications with accreditation experience only. The Administrative Services Coordinator has maintained all the responsibilities of the grants since the resignation of the Accreditation and Grants Coordinator.

Discussion: Police Command Staff evaluated the efficiency and effectiveness of reorganizing the current administrative functions and positions within the division. This included the opportunity to upgrade one position and hire someone to fill another position. As a result, the Command Staff has proposed the following:

1) Upgrade Police Administrative Services Coordinator from Pay Grade 33 to Pay Grade 35.
2) Update the title of the Accreditation and Grants Coordinator to Accreditation Coordinator.

Budget Impact: There is no immediate budget impact as sufficient funding is available within the personal services accounts to cover anticipated additional costs associated with this item. However, staff will monitor expenditures and the reorganization when implemented and address budget concerns in the future if the need arises.

Recommendation: The City Manager and Police Chief recommend Commission approval of the reorganization of the Police Administration Division.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments: None

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Agreement with Thompson Consulting Services, LLC for Disaster Debris Monitoring Services

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Introduction: Approval of an Agreement with Thompson Consulting Services, LLC for disaster debris monitoring services is requested.(Ref. RFP-2023-1013)

Background: The City depends on contractors in order to provide monitoring services for contracted debris removal services associated with disaster events.

As the City's current contract for monitoring services is expiring, the City posted a solicitation for monitoring services on September 11, 2023. The City received two submittals as a result of this solicitation:

- DebrisTech, LLC
- Thompson Consulting Services, LLC

The Evaluation Committee, consisting of City staff members from multiple departments, met on October 19, 2023 to evaluate both firms. Due to a technical issue with the City's vendor website (VendorLink), the Evaluation Committee had to reconvene on November 2, 2023 to finalize scoring and comments. The Evaluation Committee recommended award to Thompson Consulting Services, LLC, which had the highest final score of the two firms.

Discussion: The proposed Agreement with Thompson Consulting Services, LLC has a term of December 1, 2023 to November 30, 2026 with options to renew annually for up to three additional years. Prices in the Agreement Price Schedule are maximum ceiling unit prices. Pricing will be negotiated as needed for specific events with consideration of FEMA-approved unit prices. The Agreement also allows for annual price adjustments, subject to limitations of the Consumer Price Index (Urban Consumers) South Region. The Agreement also allows for equitable adjustments at the City's discretion based on marketplace conditions.

Budget Impact: There is no impact to the City Budget at this time.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of the Agreement with Thompson Consulting Services, LLC for disaster debris monitoring services.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:
1. Agreement

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Agreement with CrowderGulf Joint Venture, Inc. for Disaster Debris Removal and Ancillary Services

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Introduction: Approval of an Agreement with CrowderGulf Joint Venture, Inc. for disaster debris removal and ancillary services is requested. (Ref. RFP-2023-1012)

Background: The City depends on contractors in order to provide contracted debris removal and ancillary services associated with disaster events. The City's current contracts for debris services will expire November 30, 2023. The City posted a solicitation for new proposals (RFP-2023-1012) for disaster debris removal and ancillary services on August 28, 2023 with a due date of September 28, 2023. Eight (8) firms submitted:

- Aftermath Disaster Recovery, Inc.
- Ceres Environmental Services, Inc.
- CrowderGulf Joint Venture, Inc.
- DRC Emergency Services, LLC
- KDF Enterprises, LLC
- Looks Great Services of MS, Inc.
- Phillips and Jordan, Inc.
- TFR Enterprises, Inc.

Submittals were reviewed by an Evaluation Committee consisting of five people. A Phase 1 evaluation meeting was held on October 5, 2023, and a shortlist of three (3) firms was developed:

- Aftermath Disaster Recovery, Inc. (Aftermath)
- Ceres Environmental Services, Inc. (Ceres)
- CrowderGulf Joint Venture, Inc. (CrowderGulf)

Informal interviews were held followed by a Phase 2 evaluation meeting on October 11, 2023 to select one primary contractor and two secondary contractors. As a result, the Committee recommended CrowderGulf be awarded the primary contract and Aftermath and Ceres be awarded secondary contracts.

Discussion: The proposed primary Agreement with CrowderGulf has a term of December 1, 2023 to November 30, 2026 with options to renew annually for up to three additional years. Prices in the Agreement Price Schedule are maximum ceiling unit prices. Pricing will be negotiated as needed for specific events with consideration of FEMA-approved unit prices. The Agreement also allows for annual price adjustments, subject to limitations of the Consumer Price Index (Urban Consumers) South Region. The Agreement also allows for equitable adjustments at the City's discretion based on marketplace conditions.

Budget Impact: There is no impact to the City Budget at this time.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of the Agreement with CrowderGulf Joint Venture, Inc. for disaster debris removal and ancillary services.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Agreement

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Agreement with Aftermath Disaster Recovery, Inc. for Disaster Debris Removal and Ancillary Services

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Introduction: Approval of an Agreement with Aftermath Disaster Recovery, Inc. for disaster debris removal and ancillary services is requested. (Ref. RFP-2023-1012)

Background: The City depends on contractors in order to provide contracted debris removal and ancillary services associated with disaster events. The City's current contracts for debris services will expire November 30, 2023. The City posted a solicitation for new proposals (RFP-2023-1012) for disaster debris removal and ancillary services on August 28, 2023 with a due date of September 28, 2023. Eight (8) firms submitted:

- Aftermath Disaster Recovery, Inc.
- Ceres Environmental Services, Inc.
- CrowderGulf Joint Venture, Inc.
- DRC Emergency Services, LLC
- KDF Enterprises, LLC
- Looks Great Services of MS, Inc.
- Phillips and Jordan, Inc.
- TFR Enterprises, Inc.

Submittals were reviewed by an Evaluation Committee consisting of five people. A Phase 1 evaluation meeting was held on October 5, 2023, and a shortlist of three (3) firms was developed:

- Aftermath Disaster Recovery, Inc. (Aftermath)
- Ceres Environmental Services, Inc. (Ceres)
- CrowderGulf Joint Venture, Inc. (CrowderGulf)

Informal interviews were held followed by a Phase 2 evaluation meeting on October 11, 2023 to select one primary contractor and two secondary contractors. As a result, the Committee recommended CrowderGulf be awarded the primary contract and Aftermath and Ceres be awarded secondary contracts.

Discussion: The proposed secondary Agreement with Aftermath has a term of December 1, 2023 to November 30, 2026 with options to renew annually for up to three additional years. Prices in the Agreement Price Schedule are maximum ceiling unit prices. Pricing will be negotiated as needed for specific events with consideration of FEMA-approved unit prices.

The Agreement also allows for annual price adjustments, subject to limitations of the Consumer Price Index (Urban Consumers) South Region. The Agreement also allows for equitable adjustments at the City's discretion based on marketplace conditions.

Budget Impact: There is no impact to the City Budget at this time.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of the Agreement with Aftermath Disaster Recovery, Inc. for disaster debris removal and ancillary services.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:
1. Agreement

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Agreement with Ceres Environmental Services, Inc. for Disaster Debris Removal and Ancillary Services

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Introduction: Approval of an Agreement with Ceres Environmental Services, Inc. for disaster debris removal and ancillary services is requested. (Ref. RFP-2023-1012)

Background: The City depends on contractors in order to provide contracted debris removal and ancillary services associated with disaster events. The City's current contracts for debris services will expire November 30, 2023. The City posted a solicitation for new proposals (RFP-2023-1012) for disaster debris removal and ancillary services on August 28, 2023 with a due date of September 28, 2023. Eight (8) firms submitted:

• Aftermath Disaster Recovery, Inc.
• Ceres Environmental Services, Inc.
• CrowderGulf Joint Venture, Inc.
• DRC Emergency Services, LLC
• KDF Enterprises, LLC
• Looks Great Services of MS, Inc.
• Phillips and Jordan, Inc.
• TFR Enterprises, Inc.

Submittals were reviewed by an Evaluation Committee consisting of five people. A Phase 1 evaluation meeting was held on October 5, 2023, and a shortlist of three (3) firms was developed:

• Aftermath Disaster Recovery, Inc. (Aftermath)
• Ceres Environmental Services, Inc. (Ceres)
• CrowderGulf Joint Venture, Inc. (CrowderGulf)

Informal interviews were held followed by a Phase 2 evaluation meeting on October 11, 2023 to select one primary contractor and two secondary contractors. As a result, the Committee recommended CrowderGulf be awarded the primary contract and Aftermath and Ceres be awarded secondary contracts.

Discussion: The proposed secondary Agreement with Ceres has a term of December 1, 2023 to November 30, 2026 with options to renew annually for up to three additional years. Prices in the Agreement Price Schedule are maximum ceiling unit prices. Pricing will be negotiated as needed for specific events with consideration of FEMA-approved unit prices.

The Agreement also allows for annual price adjustments, subject to limitations of the Consumer Price Index (Urban Consumers) South Region. The Agreement also allows for equitable adjustments at the City's discretion based on marketplace conditions.

Budget Impact: There is no impact to the City Budget at this time.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of the Agreement with Ceres Environmental Services, Inc. for disaster debris removal and ancillary services.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:
1. Agreement

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: November 27, 2023

Subject: Purchase of a Blower for Parks and Related Budget Amendment #24-003

Introduction: Approval to purchase a blower for the Parks Maintenance Division in the amount of $9,000 from the Everglades Equipment Group and related Budget Amendment #24-003 is requested. (Ref: PBA-2024-1111)

Background: The Parks Maintenance Division maintains the City's parks and trail system. The Division has one pull-behind blower that is primarily used on its trail system. The City is in need of a second pull-behind blower to clear leaves and other debris from the City's parks as needed.

Discussion: Staff obtained two quotes ranging from $9,000 to $9,350 for the needed piece of equipment. Staff recommends purchasing the blower at a cost of $9,000 from Everglades Equipment Group. As the price of equipment exceeds $5,000, it is considered a capital purchase. As no capital item for this purchase was established in the Fiscal Year 2024 Budget, a Budget Amendment is necessary.

Budget Impact: Budget Amendment #24-003 will provide sufficient funding by decreasing Parks Maintenance Small Tools & Minor Equipment Account #001-0410-572.56-00 and increasing Parks Maintenance Equipment Other Account #001-041-572.67-35 each by $9,000.

Recommendation: The City Manager and Public Works and Utilities Director recommend approval to purchase a blower for the Parks Maintenance Division in the amount of $9,000 from the Everglades Equipment Group and approval of related Budget Amendment #24-003.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:
1. Blower Quote
2. Blower Quote (2)
3. BA 24-003

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

7.K.

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Resolution 23-3385- State of Florida Statewide Mutual Aid Agreement

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Introduction: Approval of Resolution 23-3385 authorizing an agreement between the City of Casselberry and the State of Florida for the Statewide Mutual Aid Agreement is requested.

Background: On July 31, 2000, the Seminole County Sheriff's Office executed an Agreement with the State of Florida for Statewide Mutual Aid. On October 10, 2000, the Casselberry Police Department executed a State Mutual Aid Agreement with the Seminole County Sheriff's Office which falls under the agreement between the State and the Sheriff's Office. Since the original agreement, the State has been going through the County Sheriff's Office to ensure the City has their State Mutual Aid Agreement completed. This year, the State is requesting this agreement be completed directly by the City.

Discussion: The State of Florida is vulnerable to a wide range of emergencies and disasters. Local governments may not have the resources at their disposal to address the emergencies and disasters that the state may face. The Statewide Mutual Aid Agreement between the State and City allows for the reallocation of needed resources during these emergencies and disasters.

Budget Impact: There is no budget impact.

Recommendation: The City Manager and Police Chief recommend approval of Resolution 23-3385.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:
1. Resolution 23-3385
2. Agreement

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Resolution 23-3387 - Supplemental Agreement No. 1 to the Local Agency Program Agreement with the Florida Department of Transportation for the Southcot Drive Bicycle-Pedestrian Improvements Project and Budget Amendment #24-006

Introduction: Resolution 23-3387 provides for Supplemental Agreement No. 1 to the Local Agency Program (LAP) Agreement with the Florida Department of Transportation (FDOT) for the Southcot Drive Bicycle-Pedestrian Improvements Project and related Budget Amendment #24-006.

Background: On March 27, 2023, via Resolution 23-3556, the City entered into a LAP Agreement with FDOT for funding for the Southcot Drive Bicycle-Pedestrian Improvements Project. The LAP agreement awarded federal funding up to $112,962 for construction and $75,395 for Construction Engineering and Inspection (CEI) services. There was a required local contribution of $437,396 for construction and $82,251 ($61,688 federal shortfall + $20,563 non-federally eligible costs) for CEI services. Budget Amendment #23-040 provided for the recognition of federal funding and established local contributions needed to complete the project, inclusive of proposed construction costs and a 5% contingency.

In July 2023, the City advertised and bids were later received for construction of this project. The lowest responsive and responsible bid was submitted by W.T. Comp Inc. for an amount of $522,016.59. Consideration to award the bid is being requested as a separate item on this same agenda.

Discussion: In August 2023, the City was notified of additional funding awarded by MetroPlan Orlando (MPO) for construction of this project. Subsequently, City staff notified FDOT and requested an updated LAP agreement. FDOT has submitted Supplemental Agreement No. 1 to the LAP agreement (Contract No. G2M10) for the Southcot Drive Bicycle-Pedestrian Improvements Project, which provides for additional funding awarded by MPO in the amount of $148,226.13. Resolution 23-3387 provides for approval of this Supplemental Agreement.

A budget amendment is necessary to ensure funds are readily available to construct this project. Budget Amendment #24-006 will recognize additional funds awarded by MPO and roll over funds budgeted in Fiscal Year (FY) 2023 to instead be expended in FY 2024. This includes federal and local contributions for construction, CEI services, construction contingency, and a purchase order authorizing Post-design Services by Vanasse Hangen Brustlin, Inc. (PO #80594).

<u>Budget Impact</u>: Budget Amendment #24-006 will roll over funds budgeted in FY 2023 to instead be expensed in FY 2024 and will include the recognition of funds awarded by MetroPlan Orlando in the amount of $148,226.13.

<u>Recommendation</u>: The City Manager and Public Works and Utilities Director recommend approval of Resolution 23-3387 Supplemental Agreement No. 1 to the Local Agency Program Agreement with the Florida Department of Transportation for the Southcot Drive Bicycle-Pedestrian Improvements Project and related Budget Amendment #24-006.

<u>Prepared by</u>: Kenna Henry, Public Works & Utilities Business Analyst

<u>Attachments</u>:
1. Resolution 23 -3387
2. Supplemental Agreement 1
3. BA 24-006

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Resolution 23-3388 - FY 2023 Fourth Quarter Budget Amendments and Transfers

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Introduction: Approval of Resolution 23-3388 to formally adopt budget amendments and budget transfers approved during the fourth quarter of FY 2023 is requested.

Background: According to Resolution 16-2815 approved by the City Commission January 11, 2016, the City Manager, on a quarterly basis, will provide an updated balance for City Commission reference information purposes as to budget changes authorized by the Commission via appropriate budget amendment resolutions. A listing of all budget amendments approved for the 4th quarter of FY 2023 is attached. Resolution 16-2815 also provides for City Manager budgetary authority to transfer monies within each department to the extent such transfers do not exceed appropriate levels for the departments or funds. A listing of the budget transfers made during the fourth quarter is also attached.

Discussion: The fourth quarter budget amendment and budget transfer listings for the Fiscal Year 2023 Approved Budget are attached for Commission review and approval.

Budget Impact: The Fourth Quarter Budget Amendment spreadsheet details changes to the budget as a result of Budget Amendments adopted by the City Commission at various meetings during the fourth quarter of Fiscal Year 2023. The Fourth Quarter Budget Transfer spreadsheet details changes made to the budget within each department as approved by the City Manager.

Recommendation: The City Manager and the Finance Director recommend approval of Resolution 23-3388

Prepared by: CJ Kaawach, Senior Budget Accountant

Attachments:
1. Resolution 23-3388
2. FY23 Fourth Quarter Budget Amendment Summary
3. FY23 Fourth Quarter Budget Transfer Summary

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Amendment No. 3 to Agreement with SK Consortium, Inc. for Park Planning and Design Projects

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Introduction: Approval of Amendment No. 3 to the Agreement with SK Consortium, Inc. for Park Planning and Design Projects in order to increase the contractual limit from $1,200,000 to $1,225,000 is requested. (Ref. SOQ-2018-0353)

Background: SK Consortium, Inc. (SK) has a continuing contract with the City under SOQ-2018-0353 for park planning and design projects. SK has provided planning and design services for Secret Lake Park, "Wheel Park" - Phase 1, and "Wheel Park" - Phase 2.

The original Agreement with SK included a contractual limit of $500,000 and a term of August 27, 2018 through August 26, 2023. Amendment No. 1, previously approved by City Commission, increased the limit to $1,200,000. Amendment No. 2 renewed the term to August 26, 2024.

Discussion: A proposed Change Order to a Task Authorization with SK on this same agenda will result in a slight exceedance of the current contractual limit. Amendment No. 3 is proposed to increase the contractual limit by $25,000, which will both accommodate the proposed Change Order and leave room for additional work under the contract if needed.

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

Recommendation: The City Manager and Public Works and Utilities Director recommend approval of Amendment No. 3 to the Agreement with SK Consortium, Inc. for Park Planning and Design Projects.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:
1. Amendment No. 3

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Amendment No. 1 to the Agreement with Quality Lawn Services Unlimited, Inc. for Grounds Maintenance Services for Lift Stations and Water Plants

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Introduction: Approval of Amendment No. 1 to the Agreement with Quality Lawn Services Unlimited, Inc. for grounds maintenance services for lift stations and water plants to extend the term to November 15, 2024 and to increase the cumulative contractual limit by $70,000 to a total of $280,000 is requested. (Ref: RFP-2020-0685)

Background: The City of Casselberry depends on contracted services for grounds maintenance of various publicly owned areas. In August 2020, the City posted solicitation RFP-2020-0685 Grounds Maintenance Services – Lift Stations and Water Plants. As a result of this process, in November 2020, the City Commission entered into an Agreement with Quality Lawn Services Unlimited, Inc. with an initial term from November 16, 2020 through November 15, 2023 with the opportunity for renewals. The estimated not-to-exceed amount was $70,000 annually for a total of $210,000 for the term of the agreement.

Discussion: Amendment No. 1 provides for an extension of the Agreement with Quality Lawn Services to November 15, 2024 and a commensurate $70,000 increase in the contractual limit for a cumulative limit of $280,000.

Budget Impact: There is no impact to the budget associated with this item, as funding to cover expenses associated with this service are already budgeted within the Utility Divisions.

Recommendation: The City Manager and the Public Works and Utilities Director recommend approval of Amendment No. 1 to the Agreement with Quality Lawn Services Unlimited, Inc. to extend the term to November 15, 2024 and to increase the cumulative contractual limit by $70,000 to a total of $280,000.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Amendment No. 1

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Change Order No. 2 to Task Authorization #10 with SK Consortium, Inc. for Professional Design Services for "Wheel Park" - Phase 2 and Related Budget Amendment #24-009

Introduction: Approval of Change Order No. 2 to Task Authorization #10 with SK Consortium, Inc. in the amount not to exceed an additional $46,407 to provide additional professional services for project PW 2102 "Wheel Park" - Phase 2 and related Budget Amendment #24-009 is requested. (Ref. SOQ-2018-0353)

Background: As part of the planning efforts leading up to a parks bond referendum, conceptual plans for "Wheel Park" (both Phase 1 and Phase 2) were developed. On March 17, 2020, Casselberry voters passed a parks bond referendum, which included "Wheel Park" (both phases) as the fourth highest priority out of six parks.

"Wheel Park" - Phase 2 includes (but is not limited to) the following elements:

A hybrid bike/skate park
A pavilion structure/picnic area
Restroom

SK Consortium, Inc. (SK) is one of the City's continuing park planning and design consultants. In April 2021, the City Commission approved Task Authorization (TA) #10 with SK to provide final design services for "Wheel Park" - Phase 2 (project PW 2102). This TA originally included $21,147 in assistance toward surveying and relocating gopher tortoises, as there is a known history of tortoise activity on this site. In July 2023, the City Commission approved Change Order No. 1 to TA #10, which, among other things, increased the gopher tortoise task to $68,089 (an increase of $46,942) in order to address significantly increased relocation costs since the original TA's execution. A $30,000 additional relocation allowance was also included in case more tortoises were encountered than anticipated.

As of the writing of this agenda item, final plans for the project have been completed and bid out through the City's CMAR (Construction Manager at Risk), together with "Wheel Park" - Phase 1 and Wirz Park. It is anticipated the construction of the project will be brought before the City Commission for consideration for approval in December 2023.

Discussion: A tortoise survey has since been completed after the execution of Change Order No. 1. A total of 27 active burrows were encountered on this project's site, with an estimate of 17 tortoises needing to be relocated. Based on these updated estimates, the total cost associated with gopher tortoises for this project is now estimated to be $114,496, an increase of $46,407 over the previous estimate of $68,089.

Change Order No. 2 proposes to provide an additional $46,407 in funding through Parks Bond proceeds to cover this anticipated cost. This will also keep the aforementioned $30,000 additional relocation allowance intact in case additional gopher tortoises are encountered before or during construction. Budget Amendment #24-009 is necessary to provide sufficient funding by rolling over funding for project PW 2102 from Fiscal Year 2023 into Fiscal Year 2024.

Budget Impact: Budget Amendment #24-009 will roll over funds budgeted in FY 2023 to instead be expensed in FY 2024 to fund this work.

Recommendation: The City Manager and Public Works & Utilities Director recommend approval of Change Order No. 2 to Task Authorization #10 with SK Consortium, Inc. in an amount not to exceed $46,407 and Related Budget Amendment #24-009.

Prepared by: Kelly Brock, Public Works & Utilities Director

Attachments:

1. Change Order No. 2
2. BA #24-009

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Budget Amendment #23-081 - Adjustments to the FY 2023 Budget

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Introduction: Approval of Budget Amendment #23-081 providing for adjustments to the FY 2023 Budget is requested.

Background: Florida State Statute provides that the City Commission approve the City of Casselberry's Annual Budget. These laws also require that Fund expenditures not exceed the approved Budget. However, because it is, by definition, impossible to budget for technical accounting events and other unplanned events, it is often necessary to make adjustments to the approved Budget.

Discussion: Pursuant to Statute Section 166.241, adjustments can be made within sixty days of the close of the fiscal year to amend the Budget. The adjustment is technical in nature, such as providing for the accounting "true-up" for expenditures previously approved by the Commission through a separate action. Resolution 650 states, "The City establishes its accounting system to report annually on a department and fund basis…" It also states, "from time to time City Departments have situations occur which require additional appropriations…" Unanticipated revenues and actual cash balance forward dollars have been received by and are available to the City of Casselberry. In order to provide a budget for the utilization of the unanticipated revenues and expenditures, it is deemed necessary, appropriate and advisable to amend the Budget.

Budget Impact: The attached Budget Amendment Summary provides detailed descriptions regarding the adjustments above. Additional adjustments that do not impact fund balance are also included.

Recommendation: The City Manager and the Finance Director recommend approval of Budget Amendment #23-081 amending the City of Casselberry FY 2023 Budget.

Prepared by: CJ Kaawach, Senior Budget Accountant

Attachments:

1. BA 23-081 FY23 YE Clean-up

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Use of Federal Forfeiture Funds for the Purchase of an Enclosed Trailer, Mounted Accessories and Required Installation Hardware and Related Budget Amendment #24-007

Introduction: Approval for the use of federal forfeiture funds for the purchase of an enclosed trailer, mounted accessories and required installation hardware for the Community Relations and Training Section in the amount of $6,585 and related Budget Amendment #24-007 is requested.

Background: The Police Department was awarded $10,617 from the FY23 Edward Byrne Memorial Justice Assistance Grant Program for the purchase of an 8.5 x 20-foot enclosed trailer, which replaces the current 1998 8.5 x 12-foot storage trailer. With the replacement, this will allow the Training Section to store and transport equipment and materials needed for firearms training. The total cost for the enclosed trailer, mounted accessories and required installation hardware is $17,202.

Discussion: The majority of the cost of the trailer and associated items will be funded through the Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $10,617. The balance of $6,585 is proposed to be funded through federal forfeiture funds.

Budget Impact: Budget Amendment #24-007 will increase the 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 $6,585.

Recommendation: The City Manager and Police Chief recommend approval of the use of federal forfeiture funds for the purchase of an enclosed trailer, mounting accessories and required installation hardware and related Budget Amendment #24-007.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:
1. BA #24-007

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 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: November 27, 2023

Subject: Resolution 23-3386 - Authorizing Participation in a Lawsuit and Settlement Process Regarding a Possible Contaminant Known as PFAS Substances

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Introduction: Approval of Resolution 23-3386 authorizing participation in a lawsuit and the settlement process for a possible contaminant known as PFAS substances, delegating authority to the City Manager to execute related claims documents and execution of a Legal Services Agreement is requested.

Background: The U.S. EPA has initiated rule-making for drinking water standards (MCLs) on a large group of chemicals commonly referred to as PFAS, or per- and polyfluoroalkyl substances. PFAS substances are persistent synthetic compounds used in a variety of industrial and consumer product applications including non-stick cookware and firefighting foams. The presence of PFAS compounds in source water and drinking water is of increasing public concern due to their widespread use and environmental persistence. In May, the U.S. EPA proposed the first national primary drinking water standards, which would establish maximum contaminant level goals and MCLs for six PFAS compounds.

Hundreds of pending PFAS lawsuits have been consolidated in multidistrict litigation before the District Court of South Carolina. Plaintiffs generally allege that aqueous film-forming foam (AFFF) containing PFAS contaminated the water supply surrounding military bases, airports, and fire training facilities where the foam was used to extinguish liquid fuel fires.

Discussion: The City has the opportunity to join other local governments around the nation and retain special counsel on a contingency basis to pursue civil remedies for damages to the City caused by manufacturers of products containing PFAS. Pursuant to the attached legal services agreement, attorney's fees will be paid of 25% or less out of the gross recovery obtained by the City. The City will not be responsible for attorney's fees or costs if the attorneys do not obtain a recovery on behalf of the City. This representation would be related to all City claims related to drinking water, wastewater, stormwater, and property damage.

In addition, the City has received Notices of pending settlements of Federal Court Multi-District litigation (Aqueous Film Forming Foams Production Liability Litigation) associated with the City's drinking water system related to the DuPont entities and 3M defendants (two of the twenty-nine defendants). Although the litigation is not a class action lawsuit, these two settlements are being paid out similar to a class action. Since the City is a public drinking water supplier, the City is automatically included as a class member, unless the City otherwise opts out. The City must elect to remain within the two settlements or opt out of them no later than December 4 and 11, respectively. The City must also prepare and submit claim forms with the Federal Court with deadlines upcoming. Given the anticipated delays and substantial costs associated with opting out, City staff and the City Attorney recommend that the City participate in both the 3M and DuPont settlements, and initiate litigation against both the settling defendants for excluded damages and the non-settling defendants for all available damages including drinking water contamination.

The City Manager and City Attorney are seeking authorization to participate in all settlement processes and delegate authority to the City Manager to execute any documents related to the claims process. In order to maximize the City's potential recovery, the City Manager and City Attorney recommend engaging specialized legal counsel and seek authorization to execute a Legal Services Agreement with the law firms of Baron & Budd, P.C., Cossich, Sumich, Parsiola & Taylor LLC, and Manson Bolves Donaldson Tanner, P.A. (collectively referred to as "Attorneys"). Resolution 23-XXXX provides for this authorization.

Budget Impact: There is no budget impact anticipated at this time.

Recommendation: The City Manager and City Attorney recommend approval of Resolution 23-3386.

Prepared by: Tara Lamoureux, Utility Divisions Director

Attachments:
1. Resolution 23-3386
2. Exhibit A

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Resolution 23-3389 - Amending Code of Boardmanship Policy

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Introduction: Resolution 23-3389 amends the Code of Boardmanship Policy of expected Board and Commission Member conduct and ethics.

Background: The Code of Boardmanship Policy was first adopted by the City Commission on April 24, 2006 via Resolution 06-1673 and was modeled from the Seminole County School Board's Code of Boardmanship. It required that the policy be signed upon entering office or being appointed and then annually thereafter. However, it stated the act was voluntary for elected officials but would be a mandatory requirement for appointment of voluntary board members.

The Code of Boardmanship Policy was revised by the City Commission on April 23, 2007 via Resolution 07-1783 and is the current standing policy. The current policy does not require a signature and removed the mandatory requirement for appointment to a board. It is now a public statement of expected conduct from both elected officials and appointed board members and is provided to candidates and with board applications.

The Charter Review Advisory Committee made a recommendation in its final report that the City Commission approve a Resolution with suggested revisions to the Code of Boardmanship that provide for possible sanctions for City Commissioners. At their October 23, 2023 regular meeting, the City Commission agreed to hold a workshop on October 31, 2023 to further discuss the draft Resolution and proposed revisions to the Code of Boardmanship Policy.

Discussion: The Charter Review Advisory Committee had lengthy discussion regarding penalties for violation of the City Charter or the Code of Boardmanship policy by an elected official and whether or not either or both should be amended to include stronger penalties, consequences, or some type of censure for such violations. The Committee felt this would dissuade elected officials from behaviors that would negatively impact the City. The City Commission continued those discussions at their October 31, 2023 Workshop and provided the City Attorney with direction on the amended policy which is being brought forward for consideration with Resolution 23-3389.

Budget Impact: This item has no budget impact.

Recommendation: The City Manager, City Attorney, and City Clerk recommend approval of Resolution 23-3389, amending the Code of Boardmanship Policy.

Prepared by: Donna Gardner, City Clerk

Attachments:
1. Resolution 23-3389

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: First Reading of Ordinance 23-1586 - Amending the City's Unified Land Development Regulations to Provide Standards for Multifamily Developments and to Address the 2023 Live Local Act (LPA 23-02)

Introduction: Approval of Ordinance 23-1586 (LPA 23-02) amending the City's *Unified Land Development Regulations* (ULDR) of the City's Code of Ordinances to provide standards for multifamily developments and address the Live Local Act (Act) adopted in the 2023 Legislative Session, amending Fla. Stat. 166.04151, is requested.

Background: The City of Casselberry continuously monitors upcoming and pending legislative changes and evaluates their potential impact. After careful consideration, the City may revise its ULDR as necessary to provide appropriate regulations for development and zoning within the City. While the City recognizes the need for affordable housing, the ULDR currently does not contemplate or address the recently adopted Act.

Taking effect July 1, 2023, the Act intends to streamline and incentivize affordable housing developments within the State of Florida. This goal is accomplished by preempting certain use, density, and height regulations for such qualifying developments in commercial, industrial, or mixed-use zoning districts. The Act also provides that if a municipality has designated less than 20% of the land area within its jurisdiction for commercial or industrial use, any proposed qualifying affordable housing development authorized by Fla. Stat. 166.04151 must be mixed-use.

The proposed amendment provides equitable and thoughtful regulations for affordable housing developments related to the Act. Additionally, the proposed amendment establishes criteria for multifamily developments and provides definitions consistent with Fla. Stat. 166.04151. At an advertised public hearing, the Planning and Zoning Commission, the City's Local Planning Agency (LPA), recommended approval of this item to the City Commission on October 11, 2023, by a 7-0 vote.

Discussion: The proposed ordinance contains three distinct amendments to the City's ULDR:

1. Amending ULDR Article V to add Section 2-5.5, Affordable Housing under the Live Local Act, including:

    - Applicability of regulations, including zoning districts and affordability commitment

- Development standards per Fla. Stat. 166.04151
- Eligibility for administrative site plan review and approval

2. Amending ULDR Article X to add Section 3-10.14, Multifamily Development Design Standards, including:

   - Conformance with off-street parking, lighting, and landscape requirements
   - Minimum living areas, setbacks, and other standards
   - Architectural controls

3. Amending ULDR Article XII to modify Section 5-21.2, Definition of Terms, including:

   - Providing consistent definitions with Fla. Stat. 166.04151

Additionally, the proposed amendments to the City's ULDR are consistent with specific goals, objectives, and policies outlined in the City's Comprehensive Plan, including the following:

- Policy HOE 1.1 Lawful Housing Development.
- Policy HOE 1.2 Adequate Housing for the Existing and Future Population.
- Policy HOE 1.4 Wide Range of Sites and Alternative Housing Types.
- Policy HOE 5.1 Regulatory and Permitting Processes Improvement.
- Policy HOE 5.5 Urban Design Standards.
- Policy HC 1.1B Mixture of Incomes and Housing Types.

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

Recommendation: The City Manager and Community Development Director recommend approval of Ordinance 23-1586 on first reading.

Prepared by: Antonia DeJesus, Chief Planner

Attachments:
1. Ordinance 23-1586

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: First Reading of Ordinance 23-1589 - Providing for the Annexation of One (1) Property Described with Parcel Identification Number 33-21-30-300-007B-0000 (ANX 23-02)

Introduction: Approval of Ordinance 23-1589 (ANX 23-02) on first reading for the voluntary annexation of one (1) property, described with Parcel Identification Number 33-21-30-300-007B-0000 and generally located 525 ft. south of the intersection of Howell Branch Road and S.R. 436 sitting east of S.R. 436, is requested.

Background: The applicant, Minesh Patel, with Plumstead Common, LLC, is the owner of the subject property, which consists of a sushi restaurant and bar. Sized approximately 0.82 acres, the parcel is adjacent to City limits and is presently under the jurisdiction of Seminole County, with a Commercial (C) Future Land Use Map (FLUM) designation and C-1 (Retail Commercial) zoning.

To the north and east of the subject property are two commercial properties located in the City of Casselberry; both have a Major Thoroughfare Mixed-Use (MTMU) FLUM designation and are in the CG (Commercial General) zoning district. Across S.R. 436, to the west, is another City property that has a Commercial (C) FLUM and is located in the CG (Commercial General) zoning district. To the south is a multifamily residential complex located in the jurisdiction of Seminole County; it has a High-Density Residential (HDR) FLUM designation and is in the R-3 (General Commercial and Wholesale) zoning district.

The applicant has signed a contract with the City of Casselberry, committing to annex the property into City limits prior to its sale. The property currently receives City water and sewer services, and as such, the contract states that annexation is required in order to continue receiving said services.

Discussion: When preparing to extend territorial limits, staff referenced State law for procedures for voluntary annexation, which are outlined in Chapter 171.044 of the *Florida Statutes*. Therefore, as a Statement of Certification, staff finds that:

1. The owners of the subject property, located in Seminole County, is contiguous to the City of Casselberry municipal boundary,
2. The subject property is well-defined and is a reasonably compact area,
3. The subject property is not included within the boundary of any other municipality, and

4. The proposed annexation does not create an enclave as defined by Chapter 171.031(13) of the *Florida Statutes*.

Additionally, staff is pursuing the following required notifications:

- Seminole County was notified via email of the City's intent on November 8, 2023, which is at least 10 days prior to scheduled advertising for the action for City Commission approval at the adoption hearing, and will be notified via certified mail not fewer than 10 days prior to publishing or posting the ordinance notice required under Chapter 171.044 of the *Florida Statutes*.
- Notice of Public Hearings will be placed in the Orlando Sentinel for two consecutive weeks prior to the City Commission's second reading of Ordinance 23-1589 and the adoption hearing scheduled for December 11, 2023.
- After the adoption of Ordinance 23-1589, the City Clerk will notify the Seminole County Clerk of the Circuit Court, the Chief Administrative Officer of the County, and the Department of State within seven (7) days of the adoption.

According to Chapter II, Article IV, Section 2-4.2, of the City's *Unified Land Development Regulations* (ULDR), any changes or amendments to the City's *Official Zoning Map* shall be consistent with the City's *Comprehensive Plan*'s FLUM. The applicants intend to apply to the City for the following land entitlements that are consistent with ULDR Section 2-4.2 and the City's *Comprehensive Plan* to support their plans for a future multifamily development.

- Proposed Future Land Use Map Designation – Major Thoroughfare Mixed-Use (MTMU)
- Proposed Zoning District – PMX-MID (Planned Mixed-Use: Medium Rise)

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

Recommendation: The City Manager and Community Development Director recommend that the City Commission approve Ordinance 23-1589 on first reading.

Prepared by: Antonia DeJesus, Chief Planner

Attachments:

1. Ordinance 23-1589

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: First Reading of Ordinance 23-1590 - Charter Amendments

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Introduction: Ordinance 23-1590 provides for eight (8) proposed amendments to the City Charter to be placed on the August 20, 2024 City Election ballot.

Background: Article XI, Section 11.07 of the City Charter provides that amendments to the Charter may be submitted to the electors as provided by Section 166.031, Florida Statutes, by a majority vote of the City Commission, and if the proposed amendments are approved by a majority of the electors, the amendments shall become law.

Discussion: The amendments, as proposed by the Charter Review Advisory Committee in its Final Report, were considered and accepted by the City Commission on October 24, 2023. A copy of the Final Report is attached for reference. The Commission gave direction for some revisions of the recommended questions and titles at the October 24, 2023 meeting and gave additional direction at a Workshop held on October 31, 2023 for the City Attorney to prepare the appropriate ordinance in accordance with State law. If Ordinance 23-1590 is adopted by the City Commission, the proposed amendments will be considered by voters on August 20, 2024.

Budget Impact: This item has no additional budget impact at this time. All related election expenses for required advertisements and ballot question translation have been anticipated and budgeted accordingling in various line items in the Commission's and Non-Departmental budgets.

Recommendation: The City Manager, City Attorney, and City Clerk recommend approval of Ordinance 23-1590 on first reading.

Prepared by: Donna Gardner, City Clerk

Attachments:
1. Ordinance 23-1590
2. Charter Review Advisory Committee Final Report

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: November 27, 2023

Subject: Public Hearing: Second Reading of Ordinance 23-1587 - Amending City Code of Ordinances, Chapter 2, Administration, by Adding a New Section on Real Property Transactions

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Introduction: Approval of Ordinance 23-1587 amending City Code of Ordinances, Chapter 2, Administration, by adding a new section on real property transactions is requested.

Background: The City of Casselberry Procurement Policy provides for policies and procedures related to the purchase and sale of real property. In addition, Florida Statutes include statutory requirements regarding the sale of real property. The statutes provide the opportunity for cities to streamline the procedures of the purchase and sale of real property that is worth less than $250,000 according to the Seminole County Property Appraiser, without acquiring an independent appraisal, if such procedure is approved by the City Commission through an Ordinance.

Discussion: Ordinance 23-1587 amends City Code of Ordinances, Chapter 2, Administration, by adding a new section on real property transactions as follows:

Section 2-7. Real Property Transactions. For real property valued at $250,000 or less by the Seminole County Property Appraiser, the City may proceed with the transaction without acquiring an independent appraisal.

The first reading of Ordinance 23-1587 was approved by the City Commission on September 25, 2023. A notice of public hearing for the second reading of Ordinance 23-1587 was advertised in the *Orlando Sentinel* on November 9, 2023.

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

Recommendation: The City Manager and Administrative Services Director recommend approval of Ordinance 23-1587 on second reading.

Prepared by: Andy Brooks, Administrative Services Director

Attachments:
1. Ordinance 23-1587

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Award of Bid for ITB-2022-0954 and Agreement with W.T. Comp Inc. for Construction of the Southcot Drive Bicycle-Pedestrian Improvements Project

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Introduction: Consideration to award a bid for ITB-2022-0954 and execute an agreement with W.T. Comp Inc. in the amount of $522,016.59 for construction of the Southcot Drive Bicycle-Pedestrian Improvements Project is requested.

Background: The Southcot Drive Bicycle-Pedestrian Improvements Project was identified in the City's Adopted Multimodal Transportation Master Plan and was programed into the Florida Department of Transportation's (FDOT's) 5 year Work Program for construction, utilizing federal funding in State Fiscal Year 2022-2023. The City's local title for the project is "PW 1702 Southcot Drive Bicycle-Pedestrian Improvements". For FDOT purposes, the project is "Southcot Drive Sidewalk from Sunset Drive to Lake Triplett Drive" and the construction phase is under FDOT project #439064-1-58-01.

This project is designed to benefit all users by providing safer road conditions through the utilization of traffic-calming elements and by providing a better pedestrian and bicycle network. This project consists of narrowing travel lanes, creating a shared-use path along the north side of the street, and installing two sets of speed cushions and a raised midblock crosswalk. Completion of this project will result in an extension of the City's trail system from South Triplet Lake Drive to Button Road.

Discussion: A solicitation of bids for construction (Ref: ITB-2022-0954) was advertised in the Orlando Sentinel on July 22, 2023, and publicly noticed and broadcast on Vendorlink. A non-mandatory Pre-bid Conference for the solicitation was held on August 1, 2023. Bids were publicly opened on August 22, 2023. Five (5) submittals were received, ranging from $522,016.59 to $766,338.80 for the base bid (which is the basis of the award). Three of the bidders were deemed responsive.

W.T. Comp Inc. submitted the lowest, most responsive and responsible bid meeting the City's specifications in the amount of $522,016.59. The City has received concurrence from FDOT for this award recommendation. Staff recommends allocating an additional 5% ($26,100.83) contingency so that the City Manager may execute change orders up to that amount should the need arise. Thus, the total maximum construction cost for the project is $548,117.42.

Budget Amendment #23-040 previously established a budget in FY 2023 for this project.

However, a budget amendment is necessary to roll over funds previously budgeted in FY 2023 to instead be expended in FY 2024. This process is being addressed under a separate cover memo on this agenda. Pending award, it is anticipated construction will begin in early 2024 and conclude in mid 2024.

Budget Impact: Upon approval of Budget Amendment #24-006, addressed in a preceding item on this same agenda, funds in the amount of $548,117.42 will be available for construction of this project.

Recommendation: The City Manager and the Public Works & Utilities Director recommend approval of the Award of Bid for ITB-2022-0954 and agreement with W.T. Comp Inc. in the amount of $522,016.59 for construction of the Southcot Drive Bicycle-Pedestrian Improvements Project; and authorization for the City Manager to execute change orders up to a cumulative amount of 5% ($26,100.83) as needed for the project.

Prepared by: Kenna Henry, Public Works & Utilities Business Analyst

Attachments:
1. ITB-2022-0954 Agreement
2. Presentation

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: Procurement Information Report for the Period October 1, 2023 through October 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 October 1, 2023 through October 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 October 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: Fernando Lopes, Procurement Specialist

Attachments:
1. October 2023 Procurement Information Report

15.A.

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: November 27, 2023

Subject: City Attorney Billing Rate Consumer Price Index (CPI) Increase

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Introduction: Notification of an increase in the City Attorney hourly rate is provided.

Background: In 2015, the hourly rate for the City Attorney was adjusted with a provision approved by the City Commission for an automatic increase annually based on the Consumer Price Index (CPI) for the Southeast Region if warranted. At that time, the Commission also requested that they be notified if and when any rate increase should come into effect.

Discussion: The City Attorney has sent a letter advising that the annual increase in the firm's hourly rate is based on the Consumer Price Index (CPI) of 4.2% for the Southeast Region. The current hourly rate for attorneys ($200) would increase to $208.40 rounded up to $210. The new hourly rate will take effect November 1, 2023.

Budget Impact: Funds will be budgeted accordingly in the City Attorney Legal Services account #001-0140-514.31-01 for legal fees.

Recommendation: The City Attorney and the City Manager recommend acceptance of the rate adjustments for City Attorney services.

Prepared by: Lorie Mertens, Executive Assistant to City Manager

Attachments:
1. CPI Adjustment Request