CITY OF CASSELBERRY
CITY COMMISSION MEETING

Monday, December 16, 2024
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 November 18, 2024 - Regular Meeting**

B. **Minutes of December 9, 2024 - Special Meeting**

6. PRESENTATIONS/ COMMENDATIONS

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. 102605 - $18,702.89

B. **Award of RFP-2025-1240 and Agreements with Yang, Inc. dba SEMCO Electric Co, Wilcom Electrical Systems, LLC, and Accurate Electrical Connection, Inc. for Citywide Electrical Services and Repairs**

Approval to award RFP-2025-1240 for electrical services and repairs to include a primary agreement with Yang, Inc. dba SEMCO Electric Co in the amount not to exceed a total of $400,000 for the term of the agreement; a secondary agreement with Wilcom Electrical Systems, LLC not to exceed a total of $200,000 for the term of the agreement; and a secondary with Accurate Electrical Connection, Inc. not to exceed a total of $200,000 for the term of the agreement, each with a term of January 13, 2025 through January 12, 2028 with options to renew, is requested.

C. **Resolution 24-3474 - Amendment No. 4 to the Exclusive Franchise Agreement with GFL Solid Waste Southeast, LLC for Commercial Solid Waste Services for Franchise 2**

Approval of Resolution 24-3474 for Amendment No. 4 to the exclusive franchise agreement for commercial solid waste services with GFL Solid Waste Southeast, LLC for Franchise 2 to adjust rates higher by 3% is requested. Franchise 2 is for open-top roll-off containers for non-putrescible solid waste.

D. **Resolution 24-3475 - Amendment No. 4 to the Exclusive Franchise Agreement with GFL Solid Waste Southeast, LLC for Commercial Solid Waste Services for Franchise 1**

Approval of Resolution 24-3475 for Amendment No. 4 to the exclusive franchise agreement for commercial solid waste services with GFL Solid Waste Southeast, LLC for Franchise 1 to adjust rates higher by 3% is requested. Franchise 1 is for frontload dumpster, cart, compactor, and otherwise putrescible solid waste.

E. **Resolution 24-3476- Acceptance of Funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program FY23 and Related Budget Amendment #25-009**

Approval of Resolution 24-3476 for the acceptance of funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program for $17,844 to be used to acquire e-bikes and accessories.and related Budget Amendment #25-009 is requested.

F. **Amendment No. 3 to the Piggyback Agreement with Lynch Oil Company, Inc. for Fuel Supply Services**

Approval of Amendment No. 3 to the Agreement with Lynch Oil Company, Inc. to increase the annual not-to-exceed amount to $500,000 and the total term not-to-exceed amount to $1,900,000 is requested.

G. **Piggyback Agreement with Killebrew Inc. for Utilities Construction Services**

Approval of an agreement with Killebrew Inc, piggybacking Polk County's Contract 2024-084, RFP 24-246 for Utilities Construction Services on an as-needed basis for an amount that shall not exceed $1,000,000 for the term beginning December 16, 2024 through November 5, 2029 is requested. (Ref: PBA-2025-1242)

H. **Budget Amendment #25-007 - Fiscal Year 2024 to 2025 Budget Rollover**

Approval of Budget Amendment #25-007 to amend the Fiscal Year 2025 Budget in the amount of $25,258,650 is requested.

I. **Budget Amendment #25-010 - Adjustments to the FY 2025 Penny Tax Budgeted Revenue**

Approval of Budget Amendment #25-010 for adjustments to the FY 2025 Budget to recognize that additional revenue is now expected from Penny Tax due to State of Florida forecast revisions is requested.

J. **Application for Florida Department of Environmental Protection Sand and Grit Removal Grant for Wastewater Treatment Facilities**

Approval to submit an application to the Florida Department of Environmental Protection for the Sand and Grit Removal Grant for Wastewater Treatment Facilities for the cleaning and disposal of debris from Surge Tank #2 and Plant #1 at the City’s Water Reclamation Facility is requested.

8. DISCUSSION ITEMS

A. **Future Agenda Items**

9. RESOLUTIONS

A. **Resolution 24-3477 - Second Amendment to the Fire and Emergency Medical Services Interlocal Agreement with Seminole County and the Purchase and Sale Agreement for Real Property on Wilshire Boulevard for Relocation of Fire Station 25**

Approval of Resolution 24-3477 providing for a Second Amendment to the Fire and Emergency Medical Services Interlocal Agreement with Seminole County and the Purchase and Sale Agreement for a portion of real property located on Wilshire Boulevard for the relocation of Fire Station 25 is requested. It is a companion item to Resolution 24-3479 which approves the conveyance of real property located on Wilshire Boulevard to Seminole County. Both resolutions are needed for title insurance purposes.

B. **Resolution 24-3479 - Approving the Conveyance of Real Property Located on Wilshire Boulevard to Seminole County for the Construction of a New County Fire Station**

Approval of Resolution 24-3479 providing for the conveyance of real property located on Wilshire Boulevard to Seminole County for the construction of a new County Fire Station, replacing County Fire Station 25, is requested. It is a companion item to Resolution 24-3477 which approves the Second Amendment to the Fire and Emergency Medical Services Interlocal Agreement and Sale and Purchase Agreement for the real property located on Wilshire Boulevard. Both resolutions are needed for title insurance purposes.

10. FIRST READING OF ORDINANCES

A. **First Reading of Ordinance 24-1617 - Repealing in Its Entirety Article III, "Peddlers, Solicitors, Begging and Panhandling" of Chapter 26, "Businesses" of the City Code of Ordinances**

Approval on first reading of Ordinance 24-1617 repealing in its entirety Article III, "Peddlers, Solicitors, Begging and Panhandling" of Chapter 26, "Businesses" 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. **Public Hearing: Second Reading of Ordinance 24-1613 - Amendments to the Unified Land Development Regulations, Regarding Trees and Aquatic Plants**

Adoption of Ordinance 24-1613, providing for amending the Unified Land Development Regulations to update aquatic plant and tree species and references, updating tree removal requirements, and repealing establishment of the City Tree Advisory Committee is requested.

B. **Public Hearing: Second Reading of Ordinance 24-1614 - Amending City Code Chapter 2, Updating the Membership and Duties of the Parks and Recreation Advisory Board**

Adoption of Ordinance 24-1614, providing for amending City Code Chapter 2, regarding the Parks and Recreation Advisory Board to update duties and add tree board duties is requested.

C. **Public Hearing: Second Reading of Ordinance 24-1612 - Amending City Code, Chapter 14, Section 14-51, Permit Application and Section 14-54, Seasonal Sales; Performance Criteria**

Adoption of Ordinance 24-1612, amending City Code, Chapter 14, Article II, Division 3, Section 14-51, Permit Application, and Section 14-54, Seasonal Sales; Performance Criteria, to update permission language and refine related rules and regulations for seasonal sale permits, is requested.

D. **Public Hearing: Second Reading of Ordinance 24-1615 - Amending the City's Official Zoning Map to PMX-MID and Approving a PUD Agreement and Concept Plan at Southeast Corner of S.R. 436 and Oxford Road**

Adoption of Ordinance 24-1615, amending the City's Official Zoning Map to PMX-MID (Planned Mixed Use: Medium Rise) for two (2) parcels generally located at the southeast corner of the intersection of S.R. 436 and Oxford Road, including an associated Planned Unit Development (PUD) Agreement and a Concept Plan, is requested.

E. **Public Hearing: Second Reading of Ordinance 24-1616 - Amending the City's Comprehensive Plan's Future Land Use Element to Provide for Floating Solar Facilities in Specific Land Use Designations**

Adoption of Ordinance 24-1616, amending the City's Comprehensive Plan's Future Land Use Element to permit the installation of floating solar facilities in the Public Service, Recreation and Open Space, Industrial, and Industrial-Medium Future Land Use Map (FLUM) designations, is requested.

12. OTHER ITEMS

A. **Amendment No.1 to Supplemental Agreement No. 6 with Wharton-Smith, Inc. for a Guaranteed Maximum Price to Construct Dew Drop Park and Related Budget Amendment #25-011**

Approval of Amendment No. 1 to Supplemental Agreement No. 6 to the Contractual Agreement with Wharton-Smith, Inc. for Construction Manager at Risk (CMAR) for Parks Construction Projects for a Guaranteed Maximum Price (GMP) in the amount of $3,967,816, to construct project PW 2110 Dew Drop Park Improvements and related Budget Amendment #25-011 totaling $4,277,858 to provide for the GMP, a contingency of $73,478 and funds for direct purchase of playground and exercise equipment of $236,564 is requested.

B. **Annual Selection of Vice Mayor**

Nominations and selection of a Commissioner to serve as the next Vice Mayor for 2025 is requested.

C. **City Manager Performance Evaluation Summary**

A summary of the City Manager's performance evaluations for Fiscal Year 2024 is provided for the City Commission's information and review.

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 November 1, 2024, through November 30, 2024**

The November 2024 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: December 16, 2024

Subject: Minutes of November 18, 2024 - Regular Meeting

Introduction: The City Clerk is presenting the minutes of the November 18, 2024 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: December 16, 2024

Subject: Minutes of December 9, 2024 - Special Meeting

Introduction: The City Clerk is presenting the minutes of the December 9, 2024 Special 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: December 16, 2024

Subject: Approval of Legal Services Invoices

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

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

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

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

- City Attorney Services - November 2024 - Invoice No. 102605 - $18,702.89

Budget Impact: Funds for the City Attorney's invoice are available in FY 2025 Budget Account No. 001-0140-514-31.01.

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. 102605

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Award of RFP-2025-1240 and Agreements with Yang, Inc. dba SEMCO Electric Co, Wilcom Electrical Systems, LLC, and Accurate Electrical Connection, Inc. for Citywide Electrical Services and Repairs

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Introduction: Approval to award RFP-2025-1240 for electrical services and repairs to include a primary agreement with Yang, Inc. dba SEMCO Electric Co in the amount not to exceed a total of $400,000 for the term of the agreement; a secondary agreement with Wilcom Electrical Systems, LLC not to exceed a total of $200,000 for the term of the agreement; and a secondary with Accurate Electrical Connection, Inc. not to exceed a total of $200,000 for the term of the agreement, each with a term of January 13, 2025 through January 12, 2028 with options to renew, is requested.

Background: The City of Casselberry depends on contracted services for maintenance and repair of various electrical systems. A Request for Proposals, RFP-2025-1240, was properly noticed and publicly opened on October 16, 2024, with a total of four (4) proposals received by the due date and time:

-Accurate Electrical Connection, Inc.
-Accurate Power and Technology, Inc.
-Wilcom Electrical Systems, LLC
-Yang, Inc. dba SEMCO Electric Co

The Evaluation Committee reviewed and evaluated the proposal submittals. The Evaluation Committee reached a consensus to recommend award of a primary and two secondary contractors, with primary award to Yang, Inc. dba SEMCO Electric Co and secondary awards to Accurate Electrical Connection, Inc. and Wilcom Electrical Systems, LLC.

Discussion: This item provides the City term agreements with Yang, Inc. dba SEMCO Electric Co (SEMCO), Wilcom Electrical Systems, LLC (Wilcom), and Accurate Electrical Connection, Inc. (Accurate). Each of these agreements may be used by all City departments/divisions/offices on a work order basis. The initial term is for a period of three (3) years beginning January 13, 2025 through January 12, 2028, with the opportunity for two (2) additional one (1) year renewals when in the best interest of the City. The primary agreement is with SEMCO with a contractual limit is $400,000 for the entire term. The secondary agreements are with Wilcom and Accurate with contractual limits of $200,000 for the entire term for each.

It should be noted the contractual limits were established as a means to provide for the maximum authorization. However, it 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. In addition, appropriations beyond Fiscal Year 2025 are subject to future City Commission approval.

Budget Impact: There is no impact to the City Budget at this time. Various operating and/or capital accounts in Public Works and other City Departments/Divisions may be used for future work orders under these contracts, subject to available budgets.

Recommendation: The City Manager and the Public Works Director recommend approval to award RFP-2025-1240 for electrical services and repairs and a primary agreement with Yang, Inc. dba SEMCO Electric Co in the amount not to exceed a total of $400,000 for the term of the agreement; a secondary agreement with Wilcom Electrical Systems, LLC not to exceed a total of $200,000 for the term of the agreement; and a secondary with Accurate Electrical Connection, Inc. not to exceed a total of $200,000 for the term of the agreement, each with a term of January 13, 2025 through January 12, 2028 with options to renew.

Prepared by: Kelly Brock, Public Works Director

Attachments:
1. SEMCO Agreement
2. Wilcom Agreement
3. Accurate Agreement
4. Solicitation
5. Submittals
6. Rankings

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Resolution 24-3474 - Amendment No. 4 to the Exclusive Franchise Agreement with GFL Solid Waste Southeast, LLC for Commercial Solid Waste Services for Franchise 2

Introduction: Resolution 24-3474 provides for Amendment No. 4 to the exclusive franchise agreement for commercial solid waste services with GFL Solid Waste Southeast, LLC for Franchise 2 to adjust rates higher by 3%. Franchise 2 is for open-top roll-off containers for non-putrescible solid waste. (Ref: RFP-2020-0636)

Background: Ordinance 20-1534 provided for amendments to Chapter 70 Solid Waste of the City Code of Ordinances, eliminating the previous non-exclusive franchise system for commercial solid waste and switching instead to an exclusive franchise system. Ordinance 20-1534 was approved by City Commission on first reading at the May 11, 2020 City Commission meeting, and subsequently on second reading at the June 8, 2020 City Commission meeting.

On June 9, 2020, RFP-2020-0636 Commercial Solid Waste Services was released. This solicitation was for Franchise 1 – Frontload Dumpster, Cart, compactor and Otherwise Putrescible Solid Waste and Franchise 2 – Open-Top Roll-Off containers for Non-Putrescible Solid Waste.

As a result of this procurement process, on August 24, 2020, the City Commission approved an agreement for Franchise 2 with WCA of Florida, LLC via Resolution 20-3190. The agreement is for five years and may be extended for two additional five year terms at the sole option of the City. The effective date of the franchise began January 1, 2021. Under the agreement, WCA pays the City 20 percent of gross revenues received.

WCA later underwent a name change to GFL Solid Waste Southeast, LLC (GFL), which was updated in the agreement via Amendment No.1, which was executed by the City Manager on February 8, 2022.

On March 14, 2022, via Resolution 22-3297, the City Commission approved Amendment No. 2 in order to allow flexibility in disposal sites for commercial solid waste (which had previously been limited to Seminole County's transfer station or landfill.)

On September 26, 2022 via Resolution 22-3332, the City Commission approved Amendment No. 3 in order to allow for a special one-time 5% increase due to dramatically increased fuel prices.

Discussion: The Agreement with GFL allows for annual adjustments due to inflation with a cap of 3%. Based on inflation data and the 3% cap, GFL has requested a 3% rate increase to be effective January 1, 2025. This is addressed by the proposed Amendment No. 4, for which Resolution 24-3474 provides approval.

Budget Impact: There is no budget impact associated with this item as these rates are charged to customers by GFL.

Recommendation: The City Manager and Public Works Director recommend approval of Resolution 24-3474 and Amendment No. 4 to the exclusive franchise agreement for commercial solid waste services with GFL Solid Waste Southeast, LLC for Franchise 2 to allow for a 3% increase in rates billed to customers.

Prepared by: Kelly Brock, Public Works Director

Attachments:
1. Resolution 24-3474
2. Franchise 2 Amendment 4

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Resolution 24-3475 - Amendment No. 4 to the Exclusive Franchise Agreement with GFL Solid Waste Southeast, LLC for Commercial Solid Waste Services for Franchise 1

Introduction: Resolution 24-3475 provides for Amendment No. 4 to the exclusive franchise agreement for commercial solid waste services with GFL Solid Waste Southeast, LLC for Franchise 1 to adjust rates higher by 3%. Franchise 1 is for frontload dumpster, cart, compactor, and otherwise putrescible solid waste. (Ref: RFP-2020-0636)

Background: Ordinance 20-1534 provided for amendments to Chapter 70 Solid Waste of the City Code of Ordinances, eliminating the previous non-exclusive franchise system for commercial solid waste and switching instead to an exclusive franchise system. Ordinance 20-1534 was approved by City Commission on first reading at the May 11, 2020 City Commission meeting, and subsequently on second reading at the June 8, 2020 City Commission meeting.

On June 9, 2020, RFP-2020-0636 Commercial Solid Waste Services was released. This solicitation was for Franchise 1 – Frontload Dumpster, Cart, Compactor and Otherwise Putrescible Solid Waste and Franchise 2 – Open-Top Roll-Off containers for Non-Putrescible Solid Waste.

As a result of this procurement process, on August 24, 2020, the City Commission approved an agreement for Franchise 1 with WCA of Florida, LLC via Resolution 20-3189. The agreement is for five years and may be extended for two additional five year terms at the sole option of the City. The effective date of the franchise began January 1, 2021. Under the agreement, WCA pays the City 20 percent of gross revenues received.

WCA later underwent a name change to GFL Solid Waste Southeast, LLC (GFL), which was updated in the agreement via Amendment No.1, which was executed by the City Manager on February 8, 2022.

On March 14, 2022, via Resolution 22-3297, the City Commission approved Amendment No. 2 in order to allow flexibility in disposal sites for commercial solid waste (which had previously been limited to Seminole County's transfer station or landfill.)

On September 26, 2022 via Resolution 22-3334, the City Commission approved Amendment No. 3 in order to allow for a special one-time 5% increase due to dramatically increased fuel prices.

Discussion: The Agreement with GFL allows for annual adjustments due to inflation with a cap of 3%. Based on inflation data and the 3% cap, GFL has requested a 3% rate increase to be effective January 1, 2025. This is addressed by the proposed Amendment No. 4, for which Resolution 24-3475 provides approval.

Budget Impact: There is no budget impact associated with this item as the rates are charged to customers by GFL

Recommendation: The City Manager and Public Works Director recommend approval of Resolution 24-3475 and Amendment No. 4 to the exclusive franchise agreement for commercial solid waste services with GFL Solid Waste Southeast, LLC for Franchise 1 to allow for a 3% increase in rates billed to customers.

Prepared by: Kelly Brock, Public Works Director

Attachments:
1. Resolution 24-3475
2. Franchise 1 Amendment 4

7.E.

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Resolution 24-3476- Acceptance of Funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program FY23 and Related Budget Amendment #25-009

Introduction: Approval of Resolution 24-3476 for the acceptance of funding from the Edward Byrne Memorial Justice Assistance Grant (JAG) Local Program for $17,844 and related Budget Amendment #25-009 is requested.

Background: The U.S. Department of Justice has notified the City of Casselberry that the Edward Byrne Memorial Justice Assistance Grant (JAG) funding for FY23 has allocated $17,844 for eligible distribution to the Police Department. The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives.

Discussion: The Police Department is committed to providing quality law enforcement services for the community and public. As a means of assisting in accomplishing such, the Police Department has a goal to purchase equipment that will expand service capabilities to the community, the public, and/or improve officer safety. The money derived from this grant will be used to acquire e-bikes and accessories.

Budget Impact: Budget Amendment 25-009 recognizes $17,844 in revenue from the grant and allocates funding into an expenditure account for small tools and minor equipment.

Recommendation: The City Manager and the Police Chief recommend approval of Resolution 24-3476 to accept funding from the Edward Byrne Memorial Justice Assistance Grant Program in the amount of $17,844 and related Budget Amendment 25-009.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:
1. Resolution 24-3476
2. Agreement
3. BA #25-009

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Amendment No. 3 to the Piggyback Agreement with Lynch Oil Company, Inc. for Fuel Supply Services

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Introduction: Approval of Amendment No. 3 to the Agreement with Lynch Oil Company, Inc. to increase the annual not-to-exceed amount to $500,000 and the total term not-to-exceed amount to $1,900,000 is requested. (Reference: PBA-2020-0678)

Background: The City depends on contracted fuel supply services to provide fuel for all City vehicles and equipment. This includes replenishing fuel supplies stored at the Public Works and Utilities Complex, the Water Reclamation Facility, and the City's three water treatment plants. On July 27, 2020, the City Commission approved a Piggyback Agreement with Lynch Oil (PBA-2020-0678), based on City of Orlando contract IFB19-0021 to provide fuel supply services. The term was from July 27, 2020 through March 16, 2024. The estimated not-to-exceed amount was $275,000 per year, with an overall limitation of $1,100,000 during the entire term of the agreement.

On June 13, 2022, in response to significant fuel price increases, the City Commission approved Amendment No. 1 to the Agreement with Lynch Oil Company, Inc., which increased the annual not-to-exceed amount to $450,000 and the total term not-to-exceed amount to $1,625,000.

On February 1, 2024, the City Manager approved Amendment No. 2 to extend the term to March 16, 2025.

Discussion: Based on current projected fuel expenditures, it is anticipated the total spending under this contract may exceed the current $1,625,000 limit in the coming months. This is due to a combination of fuel prices and increased fuel usage, including increased use of take-home vehicles and fuel for hurricane response. Amendment No. 3, therefore, is proposed to increase the annual spending limit to $500,000 and the total spending limit to $1,900,000.

It is anticipated this contract may be extended additional years, subject to extension by the City of Orlando. While the City Manager can approve Amendments to extend the term, a future Amendment will be brought to the City Commission if contractual limits need to be further increased based on contract duration, market conditions, and usage.

Budget Impact: There is no impact to the City budget. Various operating accounts in various City departments will be used as needed for fuel purchases, subject to available budgets.

Recommendation: The City Manager and Public Works Director recommend approval of Amendment No. 3 to the Agreement with Lynch Oil Company, Inc. to increase the annual not-to-exceed amount to $500,000 and the total term not-to-exceed amount to $1,900,000.

Prepared by: Kelly Brock, Public Works Director

Attachments:
1. Amendment 3

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Piggyback Agreement with Killebrew Inc. for Utilities Construction Services

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Introduction: Approval of an agreement with Killebrew Inc, piggybacking Polk County's Contract 2024-084, RFP 24-246 for Utilities Construction Services on an as-needed basis for an amount that shall not exceed $1,000,000 for the term beginning December 16, 2024 through November 5, 2029 is requested.

Background: The City has proactively been replacing the aging infrastructure in the Distribution and Collection system for over a decade. City staff also continues to work diligently at repairing the system as breaks or failures occur. Unfortunately, there are some occasions in which City staff cannot effectively perform the repair in-house. If a malfunction occurs at greater than ten feet in depth, the City does not have the proper safety or excavation equipment to perform the repair safely and efficiently as these situations require the expertise of an outside contractor.

Discussion: The City had previously entered into a piggyback agreement with Killebrew Inc. (PBA-2019-0533) which expired on July 31, 2024. In order to ensure the City has reliable services in the event of an emergency infrastructure malfunction, staff have identified another competitively bid agreement upon which to piggyback. Killebrew Inc. has an agreement with Polk County for Utilities Construction Services effective November 5, 2024 through November 5, 2029. PBA-2025-1242 provides the City with a piggyback term agreement with Killebrew through Polk County's contract that can be used for planned and emergency utility infrastructure projects on an as-needed basis for an amount not to exceed $1,000,000 for the term of the contract.

It should be noted that the estimated not-to-exceed amount threshold was 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) 2025 are subject to future City Commission approval.

Budget Impact: Funding is available in the FY 2025 Water and Sewer Utility Fund Distribution and Collection Repairs and Maintenance Emergency account #401-0751-536.46-05.

Recommendation: The City Manager and Utilities Director recommend approval of an agreement with Killebrew Inc. for Utilities Construction Services piggybacking Polk County's Contract 2024-084, RFP 24-246 for Utilities Construction Services on an as-needed basis for an amount that shall not exceed $1,000,000 for the term beginning December 16, 2024 through November 5, 2029.

Prepared by: Jiovani Charres, Utility Engineer

Attachments:

1. Agreement

CITY MANAGER MEMORANDUM

7.H.

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Budget Amendment #25-007 - Fiscal Year 2024 to 2025 Budget Rollover

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Introduction: Approval of Budget Amendment #25-007 to amend the Fiscal Year 2025 Budget in the amount of $25,258,650 is requested.

Background: Budget Amendment #25-007 amends the Fiscal Year 2025 Budget in the amount of $25,258,650 to allow for the completion of ongoing projects and the purchase of equipment or services that were budgeted in Fiscal Year 2024 but were not started or completed within that fiscal year.

Budget Amendment #25-007 is necessary to roll forward funds that were appropriated and approved by the City Commission for Fiscal Year 2024. Upon the end of Fiscal Year 2024, the budgets lapsed and the associated funds closed into the fund balance reserves for each responsible Fund. In order to continue authorization for these approved priorities and meet contractual obligations already incurred, the City must re-budget these funds in the new fiscal year. This is a routine annual occurrence. These appropriations have been reviewed with Department Directors and Managers and will occur in Fiscal Year 2025.

Discussion: Upon approval of Budget Amendment #25-007, the Fiscal Year 2025 Adopted Budget will be amended to re-appropriate a total of $25,258,650 in unexpended appropriations from Fiscal Year 2024. Funding is mostly provided through the use of Fund Balance Reserves for each fund. This means funds are in place already.

Some major projects contained herein are:
"Wheel Park" - Phase 2 - $4,631,560
Queens Mirror Nutrient Reduction Facility - $2,892,997
English Estates WM Replacement Phase 1 - $2,839,043
Northgate WM Replacement Phase 1 - $2,581,382
"Wheel Park" - Phase 1 - $2,358,570
Road Rehab- Various Streets - $1,539,014

Budget Impact: A detailed list of affected funds and accounts is included as part of Budget Amendment #25-007.

Recommendation: The City Manager and the Finance Director recommend approval of Budget Amendment #25-007.

Prepared by: CJ Kaawach, Senior Budget Accountant

Attachments:
1. BA 25-007

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Budget Amendment #25-010 - Adjustments to the FY 2025 Penny Tax Budgeted Revenue

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Introduction: Consideration of Budget Amendment #25-010 provides for adjustments to the FY 2025 Budget to recognize increased penny tax revenue now expected.

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, it is often necessary to make adjustments to the approved Budget. The City Commission voted to adopt the comprehensive, City-wide budget for Fiscal Year 2024 - 2025 on September 23, 2024. The City has learned that the State of Florida has raised its forecast of certain revenues that will be distributed to the City of Casselberry during FY25 which were not included in the adopted budget.

Discussion: This Budget Amendment seeks approval to adjust the FY 2025 Budget to recognize unanticipated penny tax revenue. The Infrastructure Surtax Fund will increase $1,934,401.

Budget Impact: Please refer to BA 25-010 for budget impact.

Recommendation: The City Manager and the Finance Director recommend approval of Budget Amendment #25-010 amending the City of Casselberry FY 2025 Budget.

Prepared by: CJ Kaawach, Senior Budget Accountant

Attachments:
1. BA 25-010

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Application for Florida Department of Environmental Protection Sand and Grit Removal Grant for Wastewater Treatment Facilities

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Introduction: Submittal of an application to the Florida Department of Environmental Protection (FDEP) for the Sand and Grit Removal Grant for Wastewater Treatment Facilities applies for grant funds to be used for the cleaning and disposal of debris from the Surge Tank #2 and Plant #1 at the City's Water Reclamation Facility.

Background: The Sand and Grit Removal Grant for Wastewater Treatment Facilities is a statewide FDEP administered grant program from the Federal Grants Trust Fund which allows publicly owned utilities to remove sand and grit from wastewater treatment plants while they remain in operation. Positive results from sand/grit removal include regaining lost treatment capacity from buildup of debris and cost savings realized by eliminating the need to construct new facilities to increase capacity as well as through the reduction in electrical utility costs as the power and operation time to aerate the wastewater is dramatically reduced when sand/grit is removed.

Grant eligibility is based on three stipulations: 1) the facility is publicly owned, 2) has an annual average daily flow of 3 million gallons per day and under, and 3) the facility as a whole must remain in operation during the cleaning service. Distribution of grant funds is on a first-come, first-served basis and requires a 50% funding match.

Discussion: The City's Water Reclamation Facility consists of several structures that require regular cleaning to prevent sand and grit build-up and keep the facility running efficiently. City staff applied for and received the Sand and Grit Grant three times, in 2019, 2020, and 2021 respectively. U.S. Submergent Technologies performed the previous cleanings for the City. The cleaning of Surge Tank #2 and Plant #1 was budgeted in FY 2025. City staff recommends using U.S. Submergent Technologies to perform this work again. The City currently has a piggyback contract with U.S. Submergent Technologies that is valid until June 10, 2026.

The total cost to clean and dispose of the material in the Surge Tank #2 and Plant #1 is $97,900. However, the grant may cover up to 50% of the cleaning and disposal costs.

Budget Impact: Submitting the application for the grant creates no immediate impact to the City Budget. However, upon approval by FDEP, a 50% match is required. Funds are currently available in the FY 2025 Water Reclamation Repair and Maintenance account

#407-0753-535.46-00 to allocate the match and allow expenditures on a reimbursement basis.

Recommendation: The City Manager and Utilities Director recommend approval to submit an application to the Florida Department of Environmental Protection for the Sand and Grit Removal Grant for Wastewater Treatment Facilities for the cleaning of Surge Tank #2 and Plant #1 at the City's Water Reclamation Facility.

Prepared by: Tara Lamoureux, Utilities Director

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: December 16, 2024

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Resolution 24-3477 - Second Amendment to the Fire and Emergency Medical Services Interlocal Agreement with Seminole County and the Purchase and Sale Agreement for Real Property on Wilshire Boulevard for Relocation of Fire Station 25

Introduction: Resolution 24-3477 approves a Purchase and Sale Agreement between the City and Seminole County along with the Second Amendment to the Interlocal Agreement regarding Fire Consolidation. It is a companion item to Resolution 24-3479 which approves the conveyance of real property located on Wilshire Boulevard to Seminole County. Both resolutions are needed for title insurance purposes.

Background: In 2014, the City entered into an Interlocal Agreement with the County to consolidate its Fire Department. The attached Second Amendment to this agreement facilitates the conveyance (under Resolution 24-3479) of approximately two acres of the Wilshire Property to the County, as outlined in the original Interlocal, for the construction of a fire station.

Discussion: The attached Second Amendment to the Interlocal Agreement and the Purchase and Sale Agreement outline the details necessary to transfer a portion of the Wilshire Property to the County, as previously planned. The Purchase and Sale Agreement also establishes access and utility easements to benefit both parties.

Budget Impact: The estimated closing costs are $2,890.00, which will be evenly split with the county, amounting to $1,445.00 each.

Recommendation: The City Manager and Community Development Director recommend that the City Commission approve Resolution 24-3477, the Second Amendment to the Interlocal Agreement and the Purchase and Sale Agreement.

Prepared by: Christopher Schmidt, Community Development Director

Attachments:
1. Resolution 24-3477
2. Exhibit A
3. Exhibit B
4. Easements and Maintenance Agreement

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

9.B.

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Resolution 24-3479 - Approving the Conveyance of Real Property Located on Wilshire Boulevard to Seminole County for the Construction of a New County Fire Station

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Introduction: Resolution 24-3477 approves a Purchase and Sale Agreement between the City and Seminole County along with the Second Amendment to the Interlocal Agreement regarding Fire Consolidation. Resolution 24-3479 approves the conveyance of real property located on Wilshire Boulevard to Seminole County. Both are needed for title insurance purposes.

Background: In 2014, the City consolidated its Fire Department with the County through an Interlocal Agreement. The Second Amendment to that Interlocal, also on this agenda, is designed to effectuate the portion of the Interlocal that provided for conveyance of approximately two (2) acres of the Wilshire Property to the County for the construction of a fire station.

Discussion: The Second Amendment to the Interlocal and the Purchase and Sale Agreement provide the detail needed to transfer a portion of the Wilshire property to the County, as contemplated previously. The Purchase Agreement provides all the access and utility easements for both parties' benefit.

Budget Impact: The estimated closing costs are $2,890.00, as noted in Resolution 24-3477, will be evenly split with Seminole County, amounting to $1,445.00 each.

Recommendation: The City Manager and Community Development Director recommend that the City Commission approve Resolution 24-3479, the conveyance of real property located on Wilshire Boulevard to Seminole County.

Prepared by: Lorie Mertens, Executive Assistant to City Manager

Attachments:
1. Resolution 24-3479

CITY MANAGER MEMORANDUM

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: First Reading of Ordinance 24-1617 - Repealing in Its Entirety Article III, "Peddlers, Solicitors, Begging and Panhandling" of Chapter 26, "Businesses" of the City Code of Ordinances

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Introduction: Approval on first reading of Ordinance 24-1617 repealing in its entirety Article III, "Peddlers, Solicitors, Begging and Panhandling" of Chapter 26, "Businesses" of the City Code of Ordinances is requested.

Background: Article III, "Peddler, Solicitors, Begging and Panhandling" of Chapter 26, "Businesses" of the City Code of Ordinances is intended to regulate aggressive panhandling and solicitation, including the licensing and regulation of solicitors on the premises of private residents. Similar local legislation has been criticized as infringing on first amendment rights and is therefore unconstitutional.

Discussion: As a result of recent related state and federal case law which has found against similar ordinances, Article III "Peddlers, Solicitors, Begging and Panhandling" of Chapter 26, "Businesses" of the City Code of Ordinances may be susceptible to constitutional challenge and lead to civil damages. Therefore, staff finds that repeal of Article III "Peddlers, Solicitors, Begging and Panhandling" of Chapter 26, "Businesses" is in the best interests of the public health, safety, and welfare of the citizens of the City.

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

Recommendation: The City Manager and the Police Chief recommend approval of Ordinance 24-1617 on first reading.

Prepared by: Brandy Ramirez, Administrative Services Coordinator

Attachments:
1. Ordinance 24-1617
2. Business Impact Estimate

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: December 16, 2024

Subject: Public Hearing: Second Reading of Ordinance 24-1613 - Amendments to the Unified Land Development Regulations, Regarding Trees and Aquatic Plants

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Introduction: Ordinance 24-1613 provides for amending the Unified Land Development Regulations to update aquatic plant and tree species and references, update tree removal requirements, and repeal establishment of the City Tree Advisory Committee.

Background: Part III of the City Code of Ordinances, known as the Unified Land Development Regulations (ULDR), is maintained by the City and meant to assist in the implementation of the City's Comprehensive Plan by providing standards for the use and design of real property within Casselberry. The ULDR includes regulations related to Environmental Protection, Landscaping, and Tree Protection.

The City Tree Advisory Committee (CTAC) was previously established in the ULDR in Section 3-14.4 as part of the City's compliance efforts to maintain Tree City USA status with the Arbor Day Foundation while also having a transparent process related to certain tree expenditure decisions. (One of the requirements to be a Tree City USA is to have a designated tree board or department responsible for public trees, and the CTAC satisfied this requirement.) While the Code enumerates several powers and duties for the CTAC, in practice its principal duty has been to help carry out the City's Adopt A Tree program.

The CTAC's membership currently consists of a combination of City staff members and one Casselberry resident. Staff feels that the City's tree-related goals will be better served by transferring the key tree-related duties of the CTAC to the Parks and Recreation Advisory Board (PRAB). With this change, staff will continue to serve in a supporting role to carry out the City's tree-related projects and programs, but will not be part of an official Board. The PRAB is codified in Part II of the City Code of Ordinances, which is not part of the ULDR. Therefore, the transfer of tree-related duties to the PRAB will be addressed via a separate ordinance that will be considered by the City Commission concurrently with this Ordinance that sunsets the CTAC.

In addition to addressing the CTAC within the ULDR, updates are necessary to better align ULDR tree regulations with State Statutes, as well as to update references and guidance regarding invasive and preferred trees and aquatic plants.

Discussion: Ordinance 24-1613 proposes to:

- Amend Article IX, Environmental Protection, Appendix A to update the list of prohibited and recommended aquatic plants, update related State references, and provide planting location clarification.
- Amend Article XIII, Landscaping, Section 3-13.4 to encourage the use of native trees and provide reference to the Florida Native Plant Society for preferred native species.
- Amend Article XIV, Tree Protection, Section 3-14.3 to update tree removal permit requirements and exemptions, including definitions, to better align with current Florida Statutes.
- Repeal Article XIV, Tree Protection, Section 3-14.4 to repeal the establishment of the City Tree Advisory Committee (CTAC), the critical duties for which are intended to be transferred to the Parks and Recreation Advisory Board via separate ordinance.
- Amend Article XIV, Tree Protection, Section 3-14.6 and Section 3-14.7 to update the reference for undesirable trees to the Florida Invasive Species Council (FISC).

On Wednesday, November 13, 2024, at an advertised public hearing (October 31, 2024), the City's Planning and Zoning Commission/Local Planning Agency (P&Z) voted unanimously, 6-0, to recommend that the City Commission approve Ordinance 24-1613 (Ref. TA 24-06).

On Monday, November 18, 2024, the City Commission approved Ordinance 24-1613 on first reading. There have been no changes to the Ordinance since first reading.

An advertisement for public hearing for this item was published in the Orlando Sentinel on December 5, 2024.

No financial impact to businesses is anticipated with this item.

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

Recommendation: The City Manager, Public Works Director, and Community Development Director recommend approval of Ordinance 24-1613 on second and final reading.

Prepared by: Kelly Brock, Public Works Director

Attachments:
1. Ordinance 24-1613
2. Business Impact Estimate
3. Notice of Public Hearing Ad

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Public Hearing: Second Reading of Ordinance 24-1614 - Amending City Code Chapter 2, Updating the Membership and Duties of the Parks and Recreation Advisory Board

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Introduction: Ordinance 24-1614 provides for amending City Code Chapter 2, regarding the Parks and Recreation Advisory Board to update duties and add tree board duties.

Background: Chapter 2 of Part II of the City Code of Ordinances established the Parks and Recreation Advisory Board (PRAB) to advise and make recommendations to the City Commission on matters concerning park facilities and recreational activities. The PRAB is composed of volunteer Casselberry residents appointed by the City Commission.

The City Tree Advisory Committee (CTAC) was previously established in the Unified Land Development Regulations (Part III of the Code of Ordinances) in Section 3-14.4 as part of the City's compliance efforts to maintain Tree City USA status with the Arbor Day Foundation while also having a transparent process related to certain tree expenditure decisions. (One of the requirements to be a Tree City USA is to have a designated tree board or department responsible for public trees, and the CTAC satisfied this requirement.) While the Code enumerates several powers and duties for the CTAC, in practice its principal duty has been to help carry out the City's Adopt A Tree program.

The CTAC's membership currently consists of a combination of City staff members and one Casselberry resident. Staff feels that the City's tree-related goals will be better served by transferring the key tree-related duties of the CTAC to the Parks and Recreation Advisory Board (PRAB). With this change, staff will continue to serve in a supporting role to carry out the City's tree-related projects and programs, but will not be part of an official Board. A separate Ordinance on this same agenda proposes to sunset the CTAC.

Discussion: To replace the essential functions of the CTAC, Ordinance 24-1614 proposes to update PRAB duties to include advising on matters concerning trees in public areas or for public benefit. Specific new tree-related duties proposed include:

- Serve as the Tree Board to meet Tree City USA Standards for the City as established by the Arbor Day Foundation.
- Make recommendations regarding the implementation of the City’s Adopt-A-Tree Program.

- Make recommendations regarding the care, preservation, and management of trees in parks, along streets, in stormwater management facilities, and in all other public areas.
- Make recommendations to the City Commission designating expenditures from the City Tree Bank for projects within the community that have public benefit.

In addition, Ordinance 24-1614 removes language associated with an annual report from the PRAB to the City Commission and instead adds language regarding PRAB participation in the development, update, and implementation of the City's Parks, Recreation, Pathways, and Open Spaces Master Plan, which is more reflective of actual practice. It also removes the alternate position from the board and standardizes some other language with respect to membership and duties.

On Monday, November 18, 2024, the City Commission approved Ordinance 24-1614 on first reading. There have been no changes to the Ordinance since first reading.

An advertisement for public hearing for this item was published in the Orlando Sentinel on December 5, 2024.

No financial impact to businesses is anticipated with this item.

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

Recommendation: The City Manager, City Clerk and Public Works Director recommend approval of Ordinance 24-1614 on second and final reading.

Prepared by: Kelly Brock, Public Works Director

Attachments:
1. Ordinance 24-1614
2. Business Impact Estimate
3. Notice of Public Hearing Ad

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Public Hearing: Second Reading of Ordinance 24-1612 - Amending City Code, Chapter 14, Section 14-51, Permit Application and Section 14-54, Seasonal Sales; Performance Criteria

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Introduction: Adoption of Ordinance 24-1612, amending City Code Chapter 14, Article II, Division 3, Section 14-51, Permit Application, and Section 14-54, Seasonal Sales; Performance Criteria, to update permission language and refine related rules and regulations for seasonal sale permits, is requested. (Ref: TA 24-02)

Background: The City is committed to protecting its citizens' and businesses' safety and welfare by providing appropriate and necessary police, fire, and support services for any mass gathering of groups or individuals, including various seasonal sales throughout the year. As such, City staff proposes amending the current seasonal sale performance criteria to provide for safer and more efficient events. The amendment refines related rules and regulations for seasonal sale permits, including expanding allowable zoning districts, clarifying signage requirements, and increasing the security deposit to ensure compliance with cleanup afterward.

Section 1-2.8 of the City's Unified Land Development Regulations (ULDR) provides for the City Commission's role in adopting and amending land development regulations consistent with Florida Statutes § 163.3202. Since P&Z provided a favorable recommendation, the City Commission must review the petition and consider the criteria in Section 1-2.9.C, further analyzed in this report, along with P&Z's recommendations. Due public notice shall also be provided accordingly per Florida Statutes § 166.041.

At an advertised public hearing on November 13, 2024, the City's Planning and Zoning Commission/Local Planning Agency voted to recommend approval of Ordinance 24-1612 to the City Commission. Then, the City Commission approved Ordinance 24-1610 on first reading at their November 18, 2024, meeting. Lastly, this public hearing was advertised in the Orlando Sentinel on December 5, 2024.

Discussion: Currently, City Code Section 14-54 provides performance criteria for seasonal sales, which is defined as "outdoor sales customarily associated with holidays including, but not limited to, Christmas trees, fireworks, pumpkins, and other seasonal items." The proposed ordinance contains seven distinct amendments to City Code Section 14-54:

- Expands allowable zoning districts for seasonal sales from CG (Commercial General) and CS (Commercial Service) to include PMX-H (Planned Mixed-Use: High

Intensity), PMX-MID (Planned Mixed-Use: Medium Rise), and PMX-HIGH (Planned Mixed-Use: High Rise);
- Requires that seasonal sales take place on developed lots that are at least 2 acres, instead of 1.5 acres, to better accommodate traffic flow and increase pedestrian safety;
- Notes that signage associated with seasonal sales is to be regulated per the City's on-premises temporary sign regulations (ULDR Section 3-16.4) to avoid proliferation of signage;
- Increases the number of available holidays for Seasonal Sales and adds a two-day period before and/or after the sale for site preparation or breakdown;
- Stipulates that parking and traffic circulation cannot be adversely impacted, particularly on constrained developed sites, including unrestricted access for Seminole County Fire Department services;
- Increases the amount of the security deposit from $100.00 to $500.00 to better ensure compliance with cleaning the site after;
- Requires that the permit card be displayed in a conspicuous location for City or County staff that may need to inspect the site.

Additionally, staff requests a minor modification to Section 14.51, Permit Application. This modification removes lessees or agents of the property as eligible applicants, requiring instead that only the property owner, with notarized written permission, may apply. These changes aim to promote a more organized, safe, and accessible community environment. Furthermore, City staff offers the following assessment of the proposed amendment in alignment with the established criteria in ULDR Section 1-2.9.C.

<u>CRITERIA 1. Consistency with Comprehensive Plan</u>
The proposed amendment is consistent with the following goals, objectives, and policies found in the city's Comprehensive Plan:

> *Policy HC 5.2A, Promote Pedestrian & Cyclist Safety. Casselberry shall promote pedestrian and cyclist-oriented design with an emphasis on comfort and safety in all new commercial and residential developments.*
>
> By expanding the allowable zoning districts, the proposed amendment encourages seasonal sales in areas more accessible to pedestrians and cyclists, promoting a vibrant streetscape that supports foot traffic typically found in PMX (Planned Mixed Use) zoned areas. Further, increasing the minimum lot size from 1.5 to 2 acres for developed sites will improve traffic flow, which is crucial for pedestrian and cyclist safety. Larger sites can better accommodate vehicles while ensuring that pedestrian pathways remain safe and unobstructed.
>
> Regulating signage through the ULDR Section 3-16.4 helps to reduce visual clutter by not permitting additional signage for events. Further, allowing additional setup and breakdown time can lead to more organized events, reducing chaotic traffic conditions and enhancing safety for all road users.
>
> *Policy IG 1.1, Compatibility with Seminole County. The City of Casselberry shall continue to honor all interlocal agreements with Seminole County for police and fire aid, and any other agreements currently in effect. In addition, the City will continue to*

coordinate with Seminole County regarding county roads and other county facilities within the City.

Seminole County Fire Department provides fire safety reviews for many City permits and applications, including those for seasonal sales. The proposed amendment's focus on maintaining access for the Seminole County Fire Department supports the existing interlocal agreement and collaboration with county services, which are essential for safety and emergency response.

Objective PRE 1, Recognition of Private Property Rights. The City shall continue to recognize that each property owner has constitutionally protected private property rights, and shall continue to consider these property rights in local decision-making by referring to a set of statement of rights identified in this element.

The proposed amendment upholds the rights of property owners by allowing them to utilize their properties for seasonal sales, which can be a significant source of income and community engagement. However, the revised standards will ensure these activities comply with enhanced safety and operational standards. Additionally, by introducing measures such as an increased security deposit and visible permit card requirements, the amendments respect property rights while also safeguarding public health, safety, and welfare, ensuring that property owners are accountable for their activities.

CRITERIA 2. Conformance with Ordinances
To eliminate alternative interpretations of the ULDR that may result in additional signage, the proposed amendment references existing city regulations, ULDR Section 3-16.4. The amendment aims to prevent misunderstanding and ensure that all seasonal sales comply with established standards.

CRITERIA 3. Changed Conditions
The amendment reflects changes in land use and development needs. Many newly approved site plans and modifications to existing sites account for pedestrian and multimodal traffic, requiring regulations to consider improved safety measures as the city evolves and develops. Additionally, including PMX-zoned sites provides additional opportunities for seasonal sales in areas that support pedestrian activity.

CRITERIA 4. Land Use Compatibility
The proposed amendment promotes a mix of uses that can coexist harmoniously by allowing seasonal sales on PMX-zoned properties. The added zoning districts are areas where intense development is expected, so adding seasonal sales enhances the vibrancy and usability of those spaces.

While the new requirement for a 2-acre minimum lot size means 19 parcels will no longer be eligible to host seasonal sales, the proposed amendment also opens up opportunities for new locations. Specifically, 17 properties zoned under the Planned Mixed-Use (PMX) categories—previously not eligible properties—would now qualify. These include:

- Three vacant properties that are each larger than 0.5 acres.
- Fourteen developed properties that are each larger than 2 acres.

This adjustment would offset the loss of 19 properties and provide more suitable and safer locations for seasonal sales in the future.

CRITERIA 5. Adequate Public Facilities
The requirement for a minimum lot size of 2 acres is aimed at preventing overcrowding and ensuring that traffic and parking do not exceed the public infrastructure capacity, thus minimizing potential strain on services. The increase in acreage eliminated 19 properties zoned; 14 are zoned CG, and five are zoned CS. However, allowing seasonal sales on properties zoned PMX-H, PMX-MID, and PMX-HIGH provides additional opportunities for applicants to find a site that suits their needs without impeding the functionality of a site.

CRITERIA 6. Natural Environment
The proposed amendment does not explicitly impact the natural environment. Still, it emphasizes compliance with regulations that maintain safe access for emergency services, indirectly supporting environmental safety through effective management of site conditions.

CRITERIA 7. Economic Effects
The proposed amendment supports property owners by providing opportunities for seasonal sales, which can increase foot traffic and local business revenue, potentially enhancing property values and the overall economic vitality of the area. Additionally, the introduction of PMX zoning districts allowing seasonal sales means property owners who could not host seasonal sales have the opportunity to do so now.

CRITERIA 8. Orderly Development
By establishing clear guidelines for seasonal sales, including traffic and safety measures, the proposed amendment promotes an organized approach to land use, ensuring that events do not disrupt the surrounding community or infrastructure.

CRITERIA 9. Public Interest
The proposed amendment enhances public interest in ensuring safety and accessibility during seasonal events, reflecting the city's commitment to community engagement and its residents' overall safety and welfare.

CRITERIA 10. Other Matters
The City Commission is encouraged to consider additional factors, such as community feedback during public hearings, how the amendments foster community engagement and enhance local business opportunities, and even further support the overall well-being of the area. This comprehensive approach ensures that all relevant aspects are considered when assessing the proposed amendment.

In summary, the proposed ordinance is structured to improve safety, accessibility, and economic opportunity while maintaining consistency with the city's Comprehensive Plan and regulatory framework outlined in the ULDR.

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

Recommendation: The City Manager and Community Development Director recommend adoption of Ordinance 24-1612 on second and final reading.

Prepared by: Christopher Schmidt, Community Development Director

Attachments:
1. Ordinance 24-1612

2. Eligible Sites
3. Presentation
4. Business Impact Statement
5. Notice of Public Hearing Ad

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Public Hearing: Second Reading of Ordinance 24-1615 - Amending the City's Official Zoning Map to PMX-MID and Approving a PUD Agreement and Concept Plan at Southeast Corner of S.R. 436 and Oxford Road

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Introduction: Adoption of Ordinance 24-1615, amending the City's Official Zoning Map to PMX-MID (Planned Mixed Use: Medium Rise) for two (2) parcels generally located at the southeast corner of the intersection of S.R. 436 and Oxford Road, including an associated Planned Unit Development (PUD) Agreement and a Concept Plan, is requested. (Ref: PUD 24-02)

Background: The applicant and property owner, Mr. Nicolas Jonas, wishes to amend the City's Official Zoning Map to PMX-MID for the subject property, comprised of two parcels (Parcel IDs 17-21-30-510-0000-001A and 17-21-30-510-0000-001B), totaling ±4.48 acres located at the southeast corner of the intersection of S.R. 436 and Oxford Road. Ordinance 24-1615 also includes a PUD agreement and concept plan for a multi-tenant retail/commercial plaza with a grocer and quick service restaurants.

Section 1-2.8 of the City's Unified Land Development Regulations (ULDR) provides for the City Commission's role in adopting and amending land development regulations consistent with Florida Statutes § 163.3202. Since P&Z provided a favorable recommendation, the City Commission must review the petition and consider the criteria in Section 1-2.9.C, further analyzed in this report, along with P&Z's recommendations. Due public notice shall also be provided accordingly per Florida Statutes § 166.041.

PMX-MID is classified as a PUD zoning district and must adhere to the requirements outlined in ULDR Article XX, Planned Unit Development. PMX zoning districts also require approval of a PUD agreement and associated Concept Plan as part of the rezoning process. Additionally, ULDR Section 4-20.3, which outlines PUD review and approval procedures, states that all planned unit developments shall be reviewed and processed as a zoning map amendment per the City's Code of Ordinances Section 66-58.

Approval of a concept plan ensures that development is consistent with ULDR Chapter III, Performance Criteria, Article XVIII, Site Plan Review, and Article XIX, Subdivision Regulations. At a public meeting on Tuesday, November 12, 2024, the City's Development Review Committee (DRC) approved the proposed concept plan. Subsequently, at an advertised public hearing on November 13, 2024, the City's Planning and Zoning Commission/Local Planning Agency voted to recommend approval of Ordinance 24-1615 to the City Commission. Then, the City Commission approved Ordinance 24-1615 on first reading at their November 18, 2024, meeting. Lastly, this public hearing was advertised in the Orlando Sentinel on December 5, 2024.

Discussion: The subject properties are ±4.48 acres and identified as Parcel ID 17-21-30-510-0000-001A (201 S.R. 436) and Parcel ID 17-21-30-510-0000-001B (205 S.R. 436), southeast of the intersection of Oxford Road and S.R. 436. The properties have a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation and are zoned CG (Commercial General). The subject properties are also located within the Community Redevelopment District (CRD) and the Oxford Park Overlay District (OPOD).

City staff has provided the following assessment of the proposed amendment based on the established criteria outlined in ULDR Section 1-2.9.A. Criteria in ULDR Section 1-2.9.C also applies since a property owner initiated this request.

CRITERIA 1. Consistency with Comprehensive Plan
The subject properties are ±4.48 acres and located at 201 S.R. 436 and 205 S.R. 436, on the southeast corner of the intersection of Oxford Road and S.R. 436. The properties have a Major Thoroughfare Mixed-Use (MTMU) Future Land Use Map (FLUM) designation and are zoned CG (Commercial General). The subject properties are also located within the Community Redevelopment Agency (CRA) and the Oxford Park Overlay District (OPOD).

The proposed amendment is consistent with the following goals, objectives, and policies found in the city's Comprehensive Plan:

> *Objective FLU 1, Coordinate Future Land Use. The City shall establish land use categories and policies which will ensure the coordination of future land use with the appropriate topography, soil condition, availability of facilities and services, and contrasting land use. The City shall adopt zoning districts that correspond to specific land use categories and define allowable densities and intensities in each zoning district.*
>
> The PMX-MID zoning district is compatible with the existing Major Thoroughfare Mixed-Use FLUM designation. Further, the proposed use of retail and general commercial uses does not conflict with the intent of the PMX-MID zoning district, which is to provide for general retail and commercial service activities.
>
> *Policy FLU 1.5, Major Thoroughfare Mixed-Use. The Major Thoroughfare Mixed-Use category is intended to provide opportunities for mid to high-density/intensity mixed-use development along major transportation corridors within the City.*
>
> The PMX-MID zoning district is a medium-density/medium-intensity zoning district that allows for a higher floor-to-area (FAR) ratio and impervious surface ratio (ISR). City staff find PMX-MID appropriate, given the surrounding uses, and that the subject properties are situated on S.R. 436, a major arterial roadway. Adjacent properties support commercial/retail uses in Seminole County or fall within Casselberry's jurisdiction with a Major Thoroughfare Mixed-Use FLUM designation.
>
> *Policy FLU 1.15, Concurrency Management System. A Concurrency Management System has been implemented to ensure that the public facilities and services and established levels of service are available concurrent with the impact of development.*

The proposed development will utilize water and sanitary sewer services from Seminole County, and capacity has been verified. Further, given that the proposed use is non-residential, a school impact analysis from Seminole County Public Schools is not required. The PUD agreement provides for utility provision and dedication, stormwater management, and environmental impacts per ULDR Article IX, Concurrency Management.

Policy FLU 1.21 Traffic Impact Analysis. To ensure public roadways continue to operate in a safe and efficient manner, a traffic impact analysis shall be required prior to development of all vacant lands as well as redevelopment parcels to determine potential public improvements that may be required due to the direct impact of said development/redevelopment.

According to ULDR Section 3-9.9, Methodology for Determining Demands on Concurrency Facilities, all new developments expected to generate 500 or more trips per day must submit a traffic analysis. However, upon further review, the City's Administrative Official may also require the submission of traffic analysis for developments that generate less than 500 trips per day if the site location, anticipated total trip generation and circulation patterns warrant a more extensive review of traffic impacts.

Objective FLU 2, Blighted Renewal and Redevelopment. The City shall encourage the redevelopment and renewal of economically underutilized or blighted areas.

The subject properties are made up of two parcels, one currently vacant, and the other, the larger of the two, has one abandoned building that previously served as an office space. The smaller vacant parcel most recently operated as a gas station, which was demolished in August 2023. The former office building will be demolished before development. The proposed amendment will allow the applicant to pursue redevelopment, thereby activating a site that has been blighted and economically underutilized for years since the previous business closed in 2018.

Objective FLU 3. Eliminate Inconsistencies. The City shall continue to encourage the elimination of uses inconsistent with the approved future land use.

The subject properties are zoned CG, which is inconsistent with the MTMU FLUM. The proposed amendment will eliminate this inconsistency.

Goal HC 2. Improve Built Environment to Promote Physical Activity. Promote site design that encourages pedestrian activity. Promote the joint use of public facilities and encourage development of parks and open spaces within residential areas to make it easier for all community members to engage in regular physical activity.

The applicant shall develop the site according to current regulations, including the City’s Healthy Community Complete Streets Policy and Design Guidelines (Complete Streets Policy). The Complete Streets Policy supports improved pedestrian circulation, particularly to adjacent sites and S.R. 436, including sidewalk connections and bicycle parking. These connections contribute to Casselberry's sprawling sidewalk network.

Objective HC 3.3, Promote Easier Access for All Residents to Stores and Markets

The proposed amendment and resulting development will provide additional shopping opportunities for residents and visitors. The concept plan proposes two quick-service restaurants, a sit-down restaurant, and one grocery store.

Objective HC 5.2B, Promote Pedestrian and Cyclist Safety. Casselberry shall encourage Complete Streets designs to enhance the pedestrian and cyclist environment.

The site's design shall emphasize pedestrian and cyclist comfort and safety. Utilization of various traffic management techniques, such as adequate site lighting and cross-walk striping, will be provided.

<u>CRITERIA 2. Conformance with Ordinances</u>
The proposed amendment conforms to ULDR Section 2-4.3, which states that any changes or amendments to the Official Zoning Map shall be consistent with the Comprehensive Plan's FLUM. The PMX-MID zoning district is consistent with the Major Thoroughfare Mixed-Use FLUM designation. Additionally, the proposed Concept Plan and PUD Agreement conform to the requirements of ULDR Article XX, Planned Unit Development.

<u>CRITERIA 3. Changed Conditions/Justification</u>
In 2022, City staff were approached with a request to redevelop the subject properties, which would require combining the parcels into one unified tract. However, one parcel was included within the CRA boundary, and one was not. In October 2022, the City Commission approved Resolution 22-3336-A to modify the existing CRA boundary to include 201 S.R. 436 in preparation for redevelopment. The applicant is now ready to pursue development based on the provided concept plan.

<u>CRITERIA 4. Land Use Compatibility</u>
The subject properties sit adjacent to S.R. 436 on its north side and with Oxford Road on the west. To the south and east are commercial properties in unincorporated Seminole County, accommodating a range of retail and consumer service uses. The proposed PMX-MID zoning classification is supported by its proximity to S.R 436, which is classified as a major arterial road. Overall, the proposed PUD amendment is compatible with surrounding properties and adjacent land uses.

<u>CRITERIA 5. Adequate Public Facilities</u>
The City of Casselberry provides police services for the subject properties, and the Seminole County Fire Department currently provides fire services. S.R. 436 and Oxford Road provide vehicular and pedestrian access. Seminole County will provide utility services (sewer and potable water). Further, since the development is non-residential, a school impact analysis from Seminole County Public Schools is not required.

<u>CRITERIA 6. Natural Environment</u>
The subject properties are not located in a wetland or floodplain, and as such, the proposed amendment is not anticipated to negatively affect the natural environment.

<u>CRITERIA 7. Economic Effects</u>
The proposed amendment will not result in any negative economic impacts.

<u>CRITERIA 8. Orderly Development</u>
Per ULDR Section 4-20.3.C., the applicant submitted a concept plan for the proposed development of the subject properties, which was approved by the City’s DRC on Tuesday, November 12, 2024. The concept plan informed the general terms of the PUD agreement,

which will govern the future development of the site. Following approval of the amendment to the PUD agreement and concept plan, the applicant will submit a site plan review application for the development of the subject properties. All future plans to develop the site will be reviewed and shall adhere to the requirements of the City's ULDR, Code of Ordinances, Complete Streets Policy, and the PUD agreement.

CRITERIA 9. Public Interest
The proposed amendment is in the public's interest as leaving commercial properties vacant for extended periods can significantly negatively affect a community. Urban blight can bring down property values. Additionally, vacant sites also reduce local tax revenue, miss opportunities for job creation, and can attract crime.

CRITERIA 10. Other Matters
The City Commission is encouraged to consider additional factors, such as community feedback during public hearings, the subject properties' proximity to the S.R. 436 and S. U.S. Hwy 17-92 intersection, and the intent of the Major Thoroughfare Mixed-Use FLUM designation.

CRITERIA 11. Property Description.
The applicant provided a boundary survey with the appropriate property descriptions for the subject properties.

CRITERIA 12. Disclosure of Ownership.
The applicant, Mr. Nicolas Jonas, is the property owner and is the corporate officer of Alluvion Advisors LLC, which owns Alakai Capital LLC which owns Colonial Outparcel LLC.

CRITERIA H. Impact On Surrounding Properties And Infrastructure.
Redeveloping the subject properties will boost the appeal of the surrounding area by increasing the variety of available general retail and commercial services. Further, given since the project is subject to CRA, OPOD, and other urban design standards, the improved aesthetics will add to the overall character of the OPOD.

The development's location at a major intersection (S.R. 436 and Oxford Road) suggests the potential for increased traffic flow, typically at peak times or weekends. To avoid vehicles suddenly breaking on S.R. 436, two vehicle entrances are proposed on Oxford Road. Vehicular cross-access is also provided to the property to the southeast. There is also a Lynx bus stop on the opposite side of Oxford Road, providing an alternative method of transportation to the subject properties that may lighten traffic flow.

CRITERIA I. Undeveloped Land With Similar Zoning.
There are 5.57 acres of undeveloped land zoned PMX-MID throughout the city. However, within 1,000 ft., there are no undeveloped parcels with PMX-MID zoning.

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

Recommendation: The City Manager and Community Development Director recommend adoption of Ordinance 24-1615 on second and final reading.

Prepared by: Christopher Schmidt, Community Development Director

Attachments:

1. Ordinance 24-1615
2. Concept Plan
3. Presentation
4. Notice of Public Hearing Ad
5. Business Impact Statement

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Public Hearing: Second Reading of Ordinance 24-1616 - Amending the City's Comprehensive Plan's Future Land Use Element to Provide for Floating Solar Facilities in Specific Land Use Designations

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Introduction: Adoption of Ordinance 24-1616, amending the City's Comprehensive Plan's Future Land Use Element to permit the installation of floating solar facilities in the Public Service, Recreation and Open Space, Industrial, and Industrial-Medium Future Land Use Map (FLUM) designations, is requested. (Ref: TA 24-07)

Background: The proposed amendment aligns with Florida Statutes § 163.32051, which aims to promote renewable energy initiatives across the state. The law defines the term "floating solar facility" (a/k/a "floatovoltaic") to mean a solar facility situated on wastewater treatment ponds, abandoned lime rock mine areas, stormwater treatment ponds, reclaimed water ponds, or other water storage reservoirs. It also mandates that such facilities must be allowed in appropriate FLUM designations within each local government's Comprehensive Plan. Additionally, local governments are required to amend their land development regulations to encourage the increased use of floating solar facilities.

At an advertised public hearing on November 13, 2024, the City's Planning and Zoning Commission/Local Planning Agency voted to recommend approval of Ordinance 24-1616 to the City Commission. Then, the City Commission approved Ordinance 24-1616 on first reading at their November 18, 2024, meeting. Lastly, this public hearing was advertised in the Orlando Sentinel on December 5, 2024.

Discussion: Currently, the City's Comprehensive Plan Conservation Element inherently encourages using solar and other clean alternative sources, thus generally satisfying the Florida Statutes § 163.32051 provision. However, the proposed amendment provides a definition and explicitly allows for and encourages installing floating solar facilities within the City, specifically in the Public Service, Recreation and Open Space, Industrial, and Industrial-Medium FLUM designations.

The proposed amendment is consistent with the City's Comprehensive Plan, particularly the Conservation Element, which generally encourages energy efficiency and using clean alternative energy sources. Further, the amendment aligns with existing policies outlined below by allowing floating solar facilities, ensuring that the proposed use meets the City's minimum infrastructure levels and concurrency management standards.

Objective FLU 13 – Reduction of Greenhouse Gas Emissions. The city shall promote the reduction of greenhouse gas emissions.

The proposed amendment specifically promotes the installation of floating solar facilities, which can significantly reduce greenhouse gas emissions by providing a clean energy source. This directly supports the City's objective to mitigate emissions.

Objective CO 5 - Energy Conservation. The City shall conserve and properly manage energy conservation for existing and future generations by supporting efforts to achieve energy conservation and sustainability and implementing energy conservation measures and practices.

The proposed amendment encourages energy conservation practices by facilitating the development of floating solar facilities. These facilities can enhance energy efficiency and sustainability, aligning with the City's objective of managing energy resources for future generations.

Policy CO 5.2 State and Federal Initiatives. The City shall support incentives by the state and federal governments to promote energy efficiency and conservation, including solar and other clean alternative energy sources.

The proposed amendment acknowledges and implements Florida Statutes § 163.32051, which mandates local governments to allow floating solar facilities. This demonstrates the City's commitment to supporting state initiatives to promote energy efficiency and clean energy sources.

Policy CO 5.4 Alternative Energy Sources. The City shall encourage the development of power-generating facilities that are more energy efficient and rely on clean alternative energy resources, such as natural gas, fuel cells, or solar power.

Floating solar facilities are a form of solar energy, representing an alternative energy source. The proposed amendment directly encourages their development, reinforcing the City's policy to promote energy-generating facilities that rely on clean and efficient resources.

In recent years, there has been a growing focus on renewable energy and sustainability at both the state and federal levels. The proposed amendment responds to these changes, to consistent with Florida Statutes § 163.32051, helping the City keep up with evolving energy needs and technology. The proposed amendment also supports the development of floating solar energy systems, which are a modern and sustainable way to meet energy goals.

The amendment would not result in heavy demands on public services like transportation, water, or wastewater. Floating solar systems are typically self-sufficient, meaning they won't increase strain on these services. In fact, they may help improve the efficiency of existing facilities by generating renewable energy onsite.

Additionally, the amendment signals that the City intends to also adopt performance standards into the Unified Land Development Regulations (ULDR) to ensure that the design and placement of such facilities does not negatively affect the environment. Floating solar installations can be placed on existing water bodies, such as ponds or retention areas, which helps reduce land disturbance and protect natural habitats. It also includes measures to ensure that these installations meet environmental standards and do not harm wetlands or wildlife.

Floating solar facilities are also well-suited for Public Service, Recreation and Open Space, Industrial, and Industrial-Medium FLUM designations where wastewater treatment ponds or stormwater areas are common. Placing solar facilities in such areas avoids potential conflicts with residential or commercial development. Overall, this amendment will help the city continue to move toward a more sustainable future, while ensuring that development remains in line with community goals and environmental standards.

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

Recommendation: The City Manager and Community Development Director recommend adoption of Ordinance 24-1616 on second and final reading.

Prepared by: Linda Sundvall, Deputy City Clerk

Attachments:
1. Ordinance 24-1616
2. Presentation
3. Business Impact Statement
4. Notice of Public Hearing Ad

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Amendment No.1 to Supplemental Agreement No. 6 with Wharton-Smith, Inc. for a Guaranteed Maximum Price to Construct Dew Drop Park and Related Budget Amendment #25-011

Introduction: Approval of Amendment No. 1 to Supplemental Agreement No. 6 to the Contractual Agreement with Wharton-Smith, Inc. for Construction Manager at Risk (CMAR) for Parks Construction Projects for a Guaranteed Maximum Price (GMP) in the amount of $3,967,816, to construct project PW 2110 Dew Drop Park Improvements and related Budget Amendment #25-011 totaling $4,277,858 to provide for the GMP, a contingency of $73,478 and funds for direct purchase of playground and exercise equipment of $236,564 is requested. (Ref. SOQ-2021-0715)

Background: In March 2020, after an extensive parks planning effort was completed by the City, City of Casselberry voters approved a Parks Bond Referendum to fund six parks, which have been broken into the following seven projects (due to phasing of "Wheel Park"), listed in priority order by park:

- PW 1907 Secret Lake Park Improvements
- PW 2111 Lake Concord Park - Art House Expansion
- PW 2109 Wirz Park Improvements
- PW 2001 "Wheel Park" - Phase 1
- PW 2102 "Wheel Park" - Phase 2
- PW 2110 Dew Drop Park Improvements
- PW 2112 Sunnytown Park Improvements

Design of all of these parks was budgeted for Fiscal Year 2021, and construction is currently programmed across multiple years. Dew Drop Park is partially funded by a grant in the amount of $1.5M from the Land Water Conservation Fund (LWCF), which has a deadline requiring the project to be completed by June 2026. Elements to be included in the grant are:

- Fishing Pier/Observation Deck
- Tennis/Basketball Court
- ADA Compliant Playground/Outdoor Fitness Equipment
- Volleyball Court (Renovation)
- (New) Picnic Pavilion/(Renovation) Picnic Pavilion
- Mulit-Use Trail
- Sensory Garden/Educational Rain Garden
- Furnishings

- Site Lighting
- (New) Restroom/(Renovation) Restroom
- Parking Lot
- Landscaping

The City determined that using a Construction Manager at Risk (CMAR) to complete construction of all of these parks had some potential benefits, including a more compressed overall construction timeline, value engineering opportunities during design, as well as improved overall cost and quality controls. A request for Statement of Qualifications SOQ-2021-0715 was issued in December 2020; and, after evaluating proposals, Wharton-Smith, Inc. (WSI) was recommended for award of the contract, which was approved by City Commission on March 22, 2021. Actual work for each park under the CMAR Agreement with WSI is authorized by separate Supplemental Agreements. On March 22, 2021, the City Commission also approved Supplemental Agreement No. 6 with WSI to provide pre-construction services for Dew Drop Park, including assistance during the design process and development of a Guaranteed Maximum Price (GMP).

The final design of Dew Drop Park has been completed, and WSI has developed a GMP.

Discussion: WSI has assembled a GMP proposal, in the amount of $3,967,816, as reflected in Amendment No. 1 to Supplemental Agreement No. 6. This GMP is the result of a competitive bidding process among subcontractors for various trades associated with the project. The GMP also provides for Owner Direct Purchases (ODP), which will yield sales tax savings, and a 3% contingency ($110,217) to cover unanticipated additional work if needed. The city will also budget an additional 2% contingency that will not be included within GMP ($73,478.20).

As the name suggests, the GMP is the maximum potential price to construct the project, and WSI will continue to work to reduce costs throughout the project. Any cost savings will be reapportioned back to the appropriate funding sources.

Budget Amendment #25-011 is necessary to recognize grant funding provided by the LWCF grant and will also provide sufficient funding for the GMP. Additional funding, in the amount of $236,564 will be included to allow for City-direct purchases outside the GMP with WSI. These purchases will be for playground and exercise equipment. This will bring the final project budget to $4,277,858.20. Funding for this project is derived from a LWCF grant, park impact fees, and General Fund reserves. It should be noted that all bond funds derived from the voter approved referendum have been exhausted.

Construction is expected to begin in January 2025 and conclude near the end of March 2026, subject to no extended supply chain issues.

Budget Impact: Budget Amendment #25-011 will provide sufficient funding for this project derived from the LWCF grant of $1,500,000 (307-0000-334.90-07), Recreation Impact Fees of $6,949 (103-0000-389.90-00) and General Fund Reserves of $2,770,910 (001-0000-389.90).

Recommendation: The City Manager and the Public Works Director recommend approval of Amendment No. 1 to Supplemental Agreement No. 6 to the Contract Agreement with Wharton-Smith, Inc. for Construction Manager at Risk for Parks Construction Projects for a

Guaranteed Maximum Price (GMP) in the amount of $3,967,816 to construct project PW 2110 Dew Drop Park Improvements, approval of related Budget Amendment #25-011, and authorization for the City Manager to execute change orders up to the contingency amount of 3% included within GMP ($110,217) and 2% included outside GMP ($73,478.20) for a total of 5% at $183,695.20.

Prepared by: Martin Butcher, Special Projects Manager

Attachments:

1. Amendment No. 1
2. BA 25-011

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Annual Selection of Vice Mayor

Introduction: Nominations and selection of a Commissioner to serve as the next Vice Mayor for 2020 is requested.

City Charter Section 4.05 provides for the annual election of the Vice Mayor by the City Commission from among its members to occur at the first regular meeting of December. The Vice Mayor shall hold office for a term of one year or until a successor is elected. If a vacancy occurs, the office of Vice Mayor shall be filled by the City Commission for the completion of the unexpired term. The Vice Mayor shall act as the Mayor during the absence or disability of the Mayor.

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: City Manager Performance Evaluation Summary

Introduction: The attached summary of the City Manager's performance evaluations for Fiscal Year 2024 (FY24) is provided for the City Commission's information and review.

Background: Pursuant to the City Manager's contract dated September 10, 2012, "the process, form, criteria and format to be used for the evaluation shall be mutually agreed upon by the City Commission and the City Manager." The City Commission discussed and approved the City Manager Performance Evaluation Form at their meeting on October 28, 2013. It was agreed that the form would be completed to evaluate the City Manager's performance and a summary would be submitted to the City Commission for review. The form was used again without revision for subsequent reviews.

Discussion: Commission members completed the form and met with the City Manager to discuss their evaluation rankings and comments. Following the meetings, the forms were provided to Human Resources to prepare the attached summary.

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

Recommendation: The City Manager recommends review of his performance evaluation summary for FY24.

Prepared by: Andy Brooks, Administrative Services Director

Attachments:
1. City Manager Performance Evaluation Summary 2024

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

To: The Honorable Mayor and City Commissioners

From: The City Manager

Date: December 16, 2024

Subject: Procurement Information Report for the Period November 1, 2024, through November 30, 2024

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 November 1, 2024 through November 30, 2024 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 Manger, Procurement Manger, or designee. When applicable, pursuant to Section 5.5 of the Procurement Policy, the City Manger 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 November 2024.

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: Elsie Burgess, Procurement Manager

Attachments:

1. November 2024 Procurement Information Report