WINTER HAVEN
THE CHAIN OF LAKES CITY

CITY COMMISSION MEETING

DATE: Monday, August 10, 2026, 6:00 p.m.

LOCATION: City Hall - John Fuller Auditorium
451 Third Street NW
Winter Haven, FL 33881

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1. **CALL TO ORDER** - Brian Yates, Mayor

2. **ROLL CALL** - Vanessa Castillo, MMC, City Clerk

3. **INVOCATION** - Rev. Jonathan Winfree, Redeemer City Church

4. **PLEDGE OF ALLEGIANCE** - Vanessa Castillo, MMC, City Clerk

5. **PRESENTATIONS**

   5.A **Polk County Law Enforcement Memorial Commendations Presentation - Ricky L. Newman, President Police Benevolent Association**

   Staff Contact: *Charlie Bird, Assistant City Manager - Public Safety, cbird@mywinterhaven.com*

   5.B **Update from Heart for Winter Haven - Brad Beatty, Executive Director**

   Staff Contact: *T. Michael Stavres, City Manager, mstavres@mywinterhaven.com*

6. **DEVELOPMENTS OF NOTE**

7. **MINUTES**

   7.A **July 2, 2026, City Commission Workshop for Property Tax Reform and Budgetary Impact Minutes**

   Staff Contact: *Vanessa Castillo, MMC, City Clerk, vcastillo@mywinterhaven.com*

   2026-07-02 DRAFT Workshop - Property Tax Reform and Budgetary Impact Minutes with Link and Attachments

   7.B **July 8, 2026, City Commission Agenda Review Session Minutes**

   Staff Contact: *Vanessa Castillo, MMC, City Clerk, vcastillo@mywinterhaven.com*

   2026-07-08 DRAFT Agenda Review Session Minutes with Link

8. **COMMENTS FROM THE AUDIENCE**

9. **ORDINANCE(S) - SECOND READING - PUBLIC HEARING**

9.A **O-26-18 - Amending Sections 19-80, 19-150, 19-151 of the Code of Ordinances for Industrial Pretreatment**

Staff Contact: *Gary M. Hubbard, Water Department Director , ghubbard@mywinterhaven.com*

Summary - Ordinance O-26-18
Ordinance O-26-18 Industrial Rates
Exhibit "A" Amendment to the Code of Ordinances
Exhibit "B" Schedule of Values of Charges and Fees
Exhibit "C" Technical Memorandum and Executive Summary
EPA Quit Claim Deed (2006)

10. CONSENT AGENDA

10.A **Kimley-Horn Design Services for 8th Street NW and Avenue L NW Complete Street Project**

Staff Contact: *Brittany Hart, Public Works Director, bhart@mywinterhaven.com*

Summary - Kimley-Horn Design Services for 8th Street NW and Avenue L NW Complete Street Project
Kimley-Horn - Task Order for design work for 8th Street NW and Avenue L NW Complete Street Project

10.B **East Winter Haven Aquifer Recharge and Wetland Restoration, Consulting Design Services-Change Order #4**

Staff Contact: *Gary M. Hubbard , Water Department Director , ghubbard@mywinterhaven.com*

Summary - East Winter Haven Aquifer Recharge and Wetland Restoration
Authorization of Task 3A.2 (Endangered Species)
E Winter Haven Aquifer Recharge & Wetland Restoration, RES, Task Order 4E-F
E Winter Haven Aquifer Recharge & Wetland Restoration, RES, Task Order 6C
E Winter Haven Aquifer Recharge & Wetland Restoration, RES, Task Order 6D
Change Order Authorization, HGS-CO #4

11. RESOLUTION(S)

12. ORDINANCE(S) - FIRST READING

12.A **O-26-19 - Request by Lake May District JV, LLC to rezone six (6) parcels from Commercial-Heavy (C-4) zoning district to Planned Unit Development (PUD) zoning district (717 Sixth Street, SW)**

Staff Contact: *Heather Reuter, Senior Planner, hreuter@mywinterhaven.com*

Summary - Ordinance O-26-19
O-26-19

13. NEW BUSINESS

13.A **State Housing Initiatives (SHIP) Program Annual Report (AR)**

Staff Contact: *Eric Labbe, Director of Economic Opportunity and Community Investment, elabbe@mywinterhaven.com*

Summary - SHIP Annual Report
Ship Annual Close-out Report 2023-2024
SHIP Certification Annual Report 2023-2024

13.B **Scope of work with Raftelis Financial Consultant, Inc. to conduct a Fire Assessment Study**

Staff Contact: *T. Michael Stavres, City Manager, mstavres@mywinterhaven.com*

Summary - Scope of work with Raftelis Financial Consultants Inc. to Conduct a Fire Assessment Study

14. CITY COMMISSIONERS/LIAISON REPORTS

15. CITY ATTORNEY REPORT

16. CITY MANAGER REPORT

17. DEPUTY CITY MANAGER REPORT

18. CITY CLERK REPORT

19. EMERGENCY MATTERS NOT RECEIVED FOR THE AGENDA

20. ADJOURNMENT

If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the Americans with Disabilities Act and Florida Statutes, Section 286.26, persons with disabilities needing special accommodations to participate in this proceeding, should contact the City Clerk's Office, 451 Third Street, NW, Winter Haven, Florida 33881, in writing, not later than 48 hours prior to the proceeding; if not in writing, then not later than four (4) days prior to the proceeding at (863) 291-5600. Vision or hearing impaired please call (800) 955-8771 for assistance.

WINTER HAVEN
THE CHAIN OF LAKES CITY

CITY COMMISSION WORKSHOP
FOR
PROPERTY TAX REFORM AND BUDGETARY IMPACT DISCUSSION MINUTES

DATE: Thursday, July 2, 2026, 5:30 p.m.

LOCATION: City Hall – John Fuller Auditorium
451 Third Street NW, Winter Haven, FL 33881

NOTE
PowerPoint slides of certain agenda items were also presented during this meeting. Link to PowerPoint here: https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:94ad5a6b-6d4d-49f9-bf27-f7bd45940d0a
A hard copy of the PowerPoint will be attached to the original signed minutes.

1. CALL TO ORDER – Mayor Yates called the meeting to order at 5:30 p.m.

2. ROLL CALL – Vanessa Castillo, MMC, City Clerk

Commissioners Present: Mayor William Brian Yates; Mayor Pro Tem Tracy Mercer; Commissioner Nathaniel J. Birdsong, Jr.; Commissioner Clifton E. Dollison; and Commissioner Chad Davis.

Staff Present: City Manager T. Michael Stavres; Deputy City Manager Michael "M.J." Carnevale; City Attorney John Murphy; City Clerk Vanessa Castillo; Assistant City Manager of Public Safety Charlie Bird; Smart City Officer Hiep Nguyen; Human Resources Director Shawn Dykes; Water Director Gary Hubbard; Economic Opportunity and Community Investment Director Eric Labbe; Public Works Director Brittany Hart; Safe Neighborhoods Director Tanya Ayers; Public Affairs and Communication Director Katrina Hill; Police Chief Vance Monroe; Fire Chief Drew Neubrand; Chief Financial Officer Chris Reeder; and Interim Parks, Recreation and Culture Director Scott Eilers.

3. PROPERTY TAX REFORM AND BUDGETARY IMPACT DISCUSSION

Mayor Yates explained that this workshop was held to begin discussing the potential budget impacts of the proposed property tax changes that could appear on the November ballot. He said the City needed to prepare for all possible outcomes and noted that, even if the proposal did not pass, the discussions would still help identify future budget improvements and support responsible fiscal planning. He also clarified that no votes or formal action would be taken during the workshop, although the Commission might reach a consensus on future direction. Therefore, there would be no public comment.

City Manager Stavres said the workshop was intended to provide a public forum for the Commission to discuss the potential impacts of property tax reform and other legislative actions that could affect local government revenues or create new mandates. He proposed organizing the discussion around four topics:

1. Potential impact of property tax reform on the City
2. Possible replacement revenue sources
3. Potential organizational and operational changes if revenues decline
4. Legal restrictions on discussing a ballot issue

He also noted that City Attorney Murphy would provide general guidance on what elected officials and local governments could and could not do under state law when discussing a proposed ballot measure.

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City Manager Stavres reviewed the potential impact of the proposed homestead exemption increase. He explained that the City could lose approximately $7.7 million in property tax revenue in the first year and $10.3 million annually once the proposal was fully implemented, based on estimates from the *Polk County Property Appraiser* slide *(see link/attached)*. He noted the proposal would also reduce revenues for partner agencies, including Polk County, the Lake Region Lakes Management District, the Southwest Florida Water Management District (SWFWMD), and the Citrus Connection, which could indirectly affect City services and partnerships. He added that approximately 92% of the City's homesteaded properties would no longer pay City ad valorem property taxes under the proposal. The next Polk County Property Appraiser slide *(see link/attached)* showed the full implementation of a $250,000 homestead exemption, which he explained further.

City Manager Stavres reviewed the *Proposed Revenues: General Fund (FY 27)* slide and noted that projected ad valorem tax revenues of $33.2 million represented the City's largest revenue source. He explained that a $10.3 million reduction under the proposed homestead exemption would eliminate about 31% of ad valorem tax revenues and reduce the overall General Fund budget by approximately 12%.

City Manager Stavres reviewed the *Proposed Expenditures by Department: General Fund (FY 27)* slide and explained that without a replacement revenue source, the City would need to reduce spending by approximately $10.4 million. He emphasized that Public Safety was the City's highest priority, with projected expenditures of about $38.8 million, already exceeding projected ad valorem tax revenues. He noted that the loss of property tax revenue could make funding those essential services even more challenging.

Commissioner Davis said his concern was not cutting public safety services, but limiting the City's ability to improve pay, benefits, staffing, and retention as the community grew. City Manager Stavres agreed and explained that reduced revenues could make it harder to expand services, increase compensation, and continue investments in areas such as parks and recreation that support public safety.

Mayor Yates asked about using a combination of budget reductions, a fire service fee, and a possible millage increase to address revenue loss. City Manager Stavres explained that a millage increase could place more of the burden on businesses, non-homesteaded properties, renters, and consumers.

Mayor Yates said a millage increase should be a last resort and that the City should explore all options before the November vote. He noted that a fire service fee could be a fairer option because tax-exempt properties also receive fire protection services.

Commissioner Birdsong said a potential $10 million revenue loss would require difficult decisions and that the City should review all possible revenue sources to maintain services. He noted that a fire service fee would require advance planning, including studies and consultant review.

Mayor Yates said he hoped the discussion would provide direction for staff to return with a proposal to study a potential fire service fee. He noted that no decision would be made at the meeting, but having the information prepared would allow the City to move forward if needed following the November vote.

Commissioner Davis stated he would not support a millage rate increase because it would place additional burden on the residents and businesses still paying property taxes. He said he would support moving forward with a study of a potential fire assessment fee.

Commissioner Dollison asked why the City had looked at a fire service fee before and why it was not approved. Commissioner Birdsong explained that a study was completed, and the ordinance passed, but the fee was never put in place. City Manager Stavres said the City reviewed the idea in 2015, but the City had grown since then and a new study would provide updated information. Fire Chief Neubrand explained that a fire service fee could help pay for most Fire Department costs, except advanced life support services, and noted that other local governments use similar fees. City Manager Stavres added that the study would provide useful information no matter what happened with the November vote and that starting soon was important because as other municipalities consider this option, qualified firms would have limited availability. Discussion ensued.

Commissioner Dollison asked about the estimated cost of the study. City Manager Stavres estimated approximately $100,000 and said it would provide valuable information for future financial planning. City Attorney Murphy added that the updated data could help the City consider a fire assessment if needed. Mayor Yates said the information would help the Commission to evaluate options, including potentially implementing a fire fee while reducing the millage rate if needed.

City Manager Stavres explained that a fire assessment fee could provide flexibility to reduce the millage rate by spreading the cost of services across more properties. He noted that the fee could provide another option for addressing future budget needs.

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Mayor Pro Tem Mercer asked about additional revenue opportunities, including fiber optics and city easements. City Manager Stavres said staff would review existing fees and charges, including parks and recreation fees, while balancing revenue needs with public access and participation.

There was consensus of the Commission for City staff to pursue a scope of work for a fire assessment study.

City Manager Stavres explained that addressing the potential revenue loss would require both new revenue sources and budget reductions and that cutting $10.4 million would require difficult decisions about programs and services. Staff would continue reviewing options during the Fiscal Year 2027 budget process, including possible service changes while protecting public safety.

Commissioner Dollison stated that the City provided many important services that residents may take for granted. He said all options would need to be reviewed to maintain services, including community programs and grant funding. City Manager Stavres added that budget reductions could impact community partners because City funding and partnerships helped support services provided to residents and noted that cuts would have broader impacts and needed to be carefully considered.

City Manager Stavres confirmed that the Commission had reached consensus for staff to pursue a scope of work for a fire assessment study and stated staff would expedite the process to bring back information for future consideration.

Property Tax Ballot Issue

City Manager Stavres introduced a discussion regarding the legal limits on City communications related to the property tax ballot issue. He noted that the City followed state laws and the guidance provided by the Florida League of Cities (FLC) *Frequently Asked Questions (see link/attached).*

City Attorney Murphy reviewed Section 106.113 of the Florida Statutes *(see link/attached)* and explained that the law limited how public funds may be used for communications advocating for the passage and/or defeat of an issue that is subject to a vote of the electors/voters and that are sent to electors/voters. He noted that the law was recently amended to also include a prohibition on the expenditure of public funds for communications sent to electors/voters on an issue subject to a vote of the electors/voters irrespective of whether the communication is limited to factual information. He stated that there was limited case law interpreting Section 106.113 of the Florida Statutes although there were some State of Florida Division of Elections Opinions addressing Section 106.113 Florida Statutes. He advised that the City must carefully follow the requirements of the Statute as there could be financial and/or potential criminal penalties.

He also outlined the following three main prohibitions:

1. Use of public funds for political advertisements or communications sent to electors/voters: The City may not use public funds for communications sent to electors/voters that support or oppose or even just provide factual information on issues that are the subject of a vote of the electors/voters.

2. Hiring others to take such actions on behalf of the City: The City may not hire consultants, political action committees (PACs), or other entities to perform actions that the City is prohibited from doing relating to communications sent to electors/voters concerning an issue that is the subject of a vote of the electors/voters.

3. Accepting public funds for prohibited political communications: A person or group may not accept public funds from individuals or organizations for political advertisements or communications sent directly to electors/voters concerning an issue that is the subject of a vote of the electors/voters.

City Attorney Murphy explained that the statute did not preclude the City or a person acting on behalf of the City from reporting on official actions of the City's governing body in an accurate, fair, and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law. He cautioned that information could not be created or distributed with the intent of directly reaching electors/voters. As an example, he indicated that social media sites could likely not be optimized with public funds to communicate information (including but not limited to advocating or even factual information) about an issue that is the subject of a vote of the electors/voters. He noted that what constituted such prohibited actions was not entirely clear and that there were some gray areas as to these issues which would require careful care and consideration be taken about these matters. He added that elected officials had more flexibility to express personal opinions but could not use public resources/funds for advocacy or electioneering communications sent to electors/voters (even factual information) on an issue that is the subject of a vote of the electors/voters. He noted that violations could result in financial penalties and that Section 104.31 of the Florida Statutes also addressed criminal penalties for violating provisions of Florida's Election Code which included Section 106.113 Florida

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Statutes. He advised the Commission and Staff to remain mindful of these requirements as discussions continued and that he was available if there were any questions or concerns relating to these matters.

Mayor Yates asked for an update on the legal challenge to the proposed amendment's ballot language. City Attorney Murphy stated that he did not have an update but would research the matter and report back to the Commission. He explained that the case challenged whether the ballot title was misleading and met legal requirements for a neutral presentation. He noted that any changes ordered by the court would need to be followed.

City Manager Stavres stated that staff had clear direction following the discussion topics requested by the Commission. He noted that the City was finalizing the proposed upcoming fiscal year budget and would hold a budget workshop in July to establish the tentative millage rate and budget hearing schedule. He also explained that the proposed constitutional amendment created an unprecedented situation because of the uncertainty and potential long-term impacts. Lastly, he confirmed that staff would move forward with developing a scope of work for a fire assessment study to determine potential options

Commissioner Davis read his written statement regarding the proposed amendment. He stated that while lower taxes were appealing, voters should consider the full impact and whether the information being presented was complete and accurate. He noted that eliminating property taxes would not eliminate the cost of government services but could shift costs to other taxes, fees, or assessments. He stated that local government budget increases must be considered in the context of Florida's growth and increased service needs. He encouraged voters to review the facts and consider the long-term impacts of the amendment.

Commissioner Dollison stated that the discussion was important and appreciated the opportunity to review the issue. He noted that the Commission was taking a responsible approach by gathering information and preparing for potential impacts.

Commissioner Birdsong expressed confidence that the City would continue moving forward regardless of the voters' decision. He noted that the City had overcome past financial challenges while continuing to provide services.

Mayor Pro Tem Mercer agreed with the comments shared and stated that the current circumstances required careful consideration and action. She noted that some options may not be preferred but that decisions would be made in the best interest of the City.

Mayor Yates thanked those in attendance and stated that the meeting provided an opportunity for discussion and preparation. He noted that additional conversations may be needed as more information became available and emphasized the importance of making informed decisions.

4. ADJOURNMENT – 6:54 p.m.

ATTEST: **CITY OF WINTER HAVEN, FLORIDA**

_____ _____

Vanessa Castillo, MMC
City Clerk

William Brian Yates
Mayor

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Select Year: 2025 Go

The 2025 Florida Statutes

Title IX
ELECTORS AND ELECTIONS

Chapter 106
CAMPAIGN FINANCING

View Entire Chapter

106.113 Expenditures by local governments.—

(1) As used in this section, the term:

(a) "Local government" means:

1. A county, municipality, school district, or other political subdivision in this state; and

2. Any department, agency, board, bureau, district, commission, authority, or similar body of a county, municipality, school district, or other political subdivision of this state.

(b) "Public funds" means all moneys under the jurisdiction or control of the local government.

(2) A local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political advertisement or any other communication sent to electors concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors. This subsection applies to a communication initiated by a local government or a person acting on behalf of a local government, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment. This subsection does not preclude a local government or a person acting on behalf of a local government from reporting on official actions of the local government's governing body in an accurate, fair, and impartial manner; posting factual information on a government website or in printed materials; hosting and providing information at a public forum; providing factual information in response to an inquiry; or providing information as otherwise authorized or required by law.

(3) With the exception of the prohibitions specified in subsection (2), this section does not preclude an elected official of the local government from expressing an opinion on any issue at any time.

History.—s. 1, ch. 2009-125; s. 2, ch. 2022-56.

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Select Year: 2025 Go

The 2025 Florida Statutes

Title IX — ELECTORS AND ELECTIONS
Chapter 104 — ELECTION CODE: VIOLATIONS; PENALTIES
View Entire Chapter

104.31 Political activities of state, county, and municipal officers and employees.—

(1) No officer or employee of the state, or of any county or municipality thereof, except as hereinafter exempted from provisions hereof, shall:

(a) Use his or her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

(b) Directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his or her salary, or any money, or anything else of value to any party, committee, organization, agency, or person for political purposes. Nothing in this paragraph or in any county or municipal charter or ordinance shall prohibit an employee from suggesting to another employee in a noncoercive manner that he or she may voluntarily contribute to a fund which is administered by a party, committee, organization, agency, person, labor union or other employee organization for political purposes.

(c) Directly or indirectly coerce or attempt to coerce, command, and advise any such officer or employee as to where he or she might purchase commodities or to interfere in any other way with the personal right of said officer or employee.

The provisions of this section shall not be construed so as to prevent any person from becoming a candidate for and actively campaigning for any elective office in this state. All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects and candidates. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature, of elected officials or candidates for public office in the state or of any county or municipality thereof; and the provisions of paragraph (a) shall not be construed so as to limit the political activity in general or special elections of the officials appointed as the heads or directors of state administrative agencies, boards, commissions, or committees or of the members of state boards, commissions, or committees, whether they be salaried, nonsalaried, or reimbursed for expense. In the event of a dual capacity of any member of a state board, commission, or committee, any restrictive provisions applicable to either capacity shall apply. The provisions of paragraph (a) shall not be construed so as to limit the political activity in a general, special, primary, bond, referendum, or other election of any kind or nature of the Governor, the elected members of the Governor's Cabinet, or the members of the Legislature. The provisions of paragraphs (b) and (c) shall apply to all officers and employees of the state or of any county or municipality thereof, whether elected, appointed, or otherwise employed, or whether the activity shall be in connection with a primary, general, special, bond, referendum, or other election of any kind or nature.

(2) An employee of the state or any political subdivision may not participate in any political campaign for an elective office while on duty.

(3) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee's off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 110.233.

History.—s. 8, ch. 26870, 1951; s. 7, ch. 29615, 1955; s. 5, ch. 29936, 1955; s. 1, ch. 59-208; s. 18, ch. 65-379; s. 53, ch. 71-136; ss. 1, 2, ch. 74-13; s. 1, ch. 75-261; s. 30, ch. 79-190; s. 1, ch. 80-207; s. 628, ch. 95-147; s. 1, ch. 2006-275.

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FLC
FLORIDA LEAGUE OF CITIES

Frequently Asked Questions:

Communicating About Property Taxes Under Florida's Law Banning Local Government Expenditures on Ballot Questions

The following material is for informational purposes and not intended as legal advice. Seek the advice of your City Attorney or election law counsel before making any related decisions.

Changes to Florida's property tax system may reach the ballot in November 2026. City governments should be considering ways to educate residents about how property tax revenues are generated, how they are used, and the fiscal impacts forecast to result if those revenues are lost. However, cities must be mindful of election laws, which limit the use of public funds by cities and other local governments to communicate about ballot issues subject to the decision of voters. This material addresses the relevant law and several related questions to help cities understand how it applies to them.

A. What law is at play?

Section 106.113, Florida Statutes, prohibits the expenditure of public funds by local governments on (1) political advertisements or (2) communications sent to voters concerning a "Ballot Question" subject to a vote of Florida electors (voters).

▸ Under the law, when would a "ballot question" concerning property taxes arise?

When a concept or proposal remains under consideration by legislators, it is not *yet* a Ballot Question "subject to a vote." But, when a concept or proposal is passed as a joint resolution in bill form by three-fifths of Florida's House and Senate, transmitted to Florida's Department of State, and assigned a designating number for placement on an upcoming ballot, **the proposal has achieved "Ballot Placement" and thus becomes a "Ballot Question" subject to a vote.**[1]

[1] It may help to approach §106.113 and citizen education/messaging in two phases: BEFORE BALLOT PLACEMENT, city communications are more likely to be treated as pure citizen education. AFTER BALLOT PLACEMENT, city communications face the threat of being treated as attempts at prohibited political advocacy. Thus, once a legislative proposal attains Ballot Placement, all elements required to trigger §106.113 are present and create heightened risk of violating the ban on expenditures used to send content to voters.

B. What's prohibited?

1. **A paid political advertisement related to** a political issue and published/ broadcast in any communications medium, even before it becomes a Ballot Question, **is always prohibited if paid for using public funds.**

2. **Communication *sent to voters*** and related to a proposal after it has become a Ballot Question **is prohibited if paid for using public funds.**

C. The period *BEFORE* a property tax proposal matures into a ballot question

1. **Can our city use public funds to educate residents about property tax revenues and their importance to municipal services?**

Yes. Cities may expend funds to help educate residents with property tax facts. City officials and staff may use city resources necessary to perform research and analysis needed to understand potential tax revenue changes and impacts. Cities can explain the municipal services made possible through the city's share of property tax revenues, how property tax revenues are derived, budgeted, and used, and which services and programs are forecast to be reduced or lost if tax revenues were eliminated. In all of this, the city may use city funds to send its research, findings, or other relevant information to residents, if done before a proposal becomes a Ballot Question. However, **once a proposal becomes an actual Ballot Question, even factual information *may not be sent to voters* using public funds.** At that stage, other communication methods must be used that don't involve sending communications to voters, such as the city's website or social media platform posts.

2. **What types of activities or events may cities use to educate residents before a proposal becomes a ballot question?**

- Produce brochures, flyers, and printed materials explaining property tax facts, which may be sent to residents.[2] Cities may distribute content via email.

[2] **Before Ballot Placement occurs**, cities can send these types of messages or materials to voters at the city's expense as educational materials. **After Ballot Placement**, these same materials could be construed as communication of political advocacy in violation of **§106.113 if sent to voters at the city's expense**. If published materials are created to be sent to residents, these should include a dissemination date (month/ year) to help demonstrate that it was sent to the public before a proposal became a ballot question.

However, as discussed below, paying for and using email distribution lists to transmit this type of material may violate §106.113 ***if sent*** to voters ***after*** a proposal matures into a Ballot Question.

- Host and participate in public meetings, town halls, forums, or media events to answer questions.
- Post verifiable factual information on official city websites and social media.[3]
- Respond to public inquiries with factual information.
- Report on official city actions related to property tax issues in an accurate, fair, and impartial manner.

3. Can city staff and elected officials express opinions that advocate for or against potential property tax proposals before they become ballot questions?

Yes. Elected officials may express their opinions at any time through speeches or written materials published in newspapers or other media, provided no public funds are used to send those opinions directly to residents or to transform those opinions into paid political advertisements. City staff may participate in advocacy on their own time (during non-working hours) and with their own resources but **should avoid using city resources for advocacy during work hours**.

4. What are the general limits on what can be communicated before a proposal becomes a Ballot Question?

All material communicated on the subject of property tax changes should focus on facts and avoid language that amounts to "political advertisement" (i.e., messages urging residents to "vote for" or "vote against" proposals to change property taxes). Communications should focus on verifiable data and avoid subjective or qualitative statements. For example, stating "Property taxes fund police, fire, and parks" is factual; saying "Property tax cuts will harm public safety" is a qualitative claim and should be avoided. By limiting messaging and education to verifiable, factual information, cities limit the chance their communications may be characterized as unlawful "political advertisement" developed using public funds. As an added precaution, if published materials are created to be sent to residents, they should include the dissemination date (month/year) to help demonstrate that it was sent to the public before a proposal became a Ballot Question.

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[3] Cities should take particular care around the use of social media platforms and understand if such content is posted at a cost designed to boost its reach to any of the voting public. An argument can be made that paying to boost a social media post constitutes "sending" the communication to voters' feeds at public expense. It would also constitute a "paid expression" for political advertisement purposes.

5. **Can the city adopt a resolution opposing amendments to property tax laws before any such proposal attains Ballot Placement?**

Maybe, but it carries uncertain legal risk. The better course is to use any official act by a council or commission to communicate factual and verifiable information about the role property tax revenues play in city government and communicate demonstrable impacts the city determines would flow from the loss of such revenues. Under the current version of §106.113, there are no reported opinions clearly approving the adoption of resolutions opposing proposed property tax amendments. Section 106.113(2) states, *"This subsection does not preclude a local government or a person acting on behalf of a local government from reporting on official actions of the local government's governing body in an accurate, fair, and impartial manner . . . ."* Given that adoption of a resolution is an "official act" of municipal governments, some may see this as authorizing adoption of resolutions on the subject of property taxes, which may then be reported to the public. Others may look further and see the requirement to report on official actions in a fair and impartial manner as a warning against any official actions seen as political advocacy, taking sides for or against a property tax proposal.

If a city, nonetheless, feels compelled to adopt a resolution, it should include language in the resolution's preamble that its action is intended to comply with §106.113 and is based on a good faith interpretation of the statute's wording, which allows local governments to take official actions without violating the law. Arguably, the official act of passing a resolution does not require a direct expenditure of public funds, but even this argument cannot remove the risk of a filed complaint alleging a resolution violates §106.113.

6. **Can a city use public funds for messages opposing property tax proposals in any medium before a proposal becomes a ballot question?**

No. This type of message very likely will be considered "political advertisement." Using public funds to pay for political advertisement explicitly "opposing" an issue is always prohibited, even before a proposal becomes a Ballot Question. Florida's election code defines "political advertisement" in a specific manner. As defined later in this document, political advertisement always consists of express advocacy "for or against" a proposed "issue," regardless of whether the issue has matured into a Ballot Question. This means the trigger contained in §106.113 may occur as soon as a paid communication containing express advocacy "for or against" the issue is published. Therefore, cities should not use public funds to procure paid political advertisements. Instead, cities may safely use resources to educate residents with factual and verifiable information about the role property tax revenues play in city government and communicate demonstrable impacts

the city determines would flow from the loss of such revenues. Paid messaging that is limited to factual and verifiable content, without language the law regards as political advertisement/express advocacy, should be permissible to the same extent as other communications discussed elsewhere in this document. However, any messaging produced with public funds and published in any public media format should be reviewed in consultation with legal counsel to ensure it remains fact-based and neutrally educational, and not a political advertisement.

D. The period *AFTER* a property tax proposal matures into a ballot question

1. At what point are §106.113's restrictions on public expenditures related to ballot proposals most likely triggered to take effect?

The spending prohibitions are most clearly triggered **when any legislative proposal is enacted by the House and Senate, sent to the Department of State, and assigned a ballot number by the Department of State**. At this stage, a ballot proposal is understood to become a Ballot Question that is "subject to a vote of the electors."

The spending prohibitions are always triggered against **political advertisements** paid for using public funds.

2. What is prohibited after a proposal becomes a Ballot Question?

- Using public funds to send any communication to voters about the Ballot Question, **even if factual**.
- Using public funds to pay for political advertisements advocating for or against the Ballot Question, even if the communication is not sent directly to voters (e.g., posted on a website).

3. What communications activities may cities use after a proposal becomes a ballot question?

- Post verifiable factual information on official city websites and social media[4] *(but may not send directly to voters through any use of public funds).*
- Host and participate in public meetings, town halls, forums, or media events to answer questions.
- Respond to public inquiries with factual information.
- Report on official city actions related to property tax issues in an accurate, fair, and impartial manner.
- Produce brochures, flyers, and printed materials explaining property tax facts and making these available for the public to receive or takeaway when visiting city hall, public forums, or other places, provided these are *not sent to voters at any public expense, and provided none of these amounts to political advertisements paid for with public funds.*[5]

4. Can elected officials still express opinions that advocate for or against a property tax proposal after the proposal becomes a ballot question?

Yes. Elected officials may express opinions on a ballot proposal or Ballot Question at any time, provided no public funds are used to send those opinions directly to voters or to convert them into a paid political advertisement.

5. What counts as a "political advertisement" or "communication sent to electors"?

A "political advertisement" is defined as "a paid expression in a communications medium . . . [i.e., broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the internet, and telephone companies] whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, **which expressly advocates** the election or defeat of a candidate or **the approval or rejection of an issue.**" §106.011(15), Florida Statutes.

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[4] Cities should take particular care around the use of social media platforms and understand if such content is posted at a cost designed to boost its reach to any of the voting public. An argument can be made that paying to boost a social media post constitutes "sending" the communication to voters' feeds at public expense. It would also constitute a "paid expression" for political advertisement purposes.

[5] Cities may still distribute content to voters via email, provided there are no direct costs associated with sending the email such as a payment for the email distribution list using public funds. While Division of Elections Opinion 10-06 implies that the use of a city employees' time during normal business hours to send an email would not constitute a direct cost, this issue has not been decided after the adoption of Section 106.113 and may trigger a complaint.

A "communications sent to electors" includes any materials **delivered directly to voters** (by mail, email, etc.), regardless of content.

Though the issue has not yet been addressed in any written opinion, it is unlikely that posting purely factual information to the city's website or an unboosted social media platform would constitute a communication "sent" to voters. And §106.113 expressly states it "does not preclude a local government or a person acting on behalf of a local government from . . . posting factual information on a government website or in printed materials." **For this reason, even after a proposal attains Ballot Placement and becomes a Ballot Question**, the use of city websites and social media to generate factual educational content should be permissible.

6. How are violations of §106.113 enforced, and what are the penalties?

The **Florida Elections Commission** adjudicates alleged complaints of violations. **Violations may result in fines up to $2,500 per count**, with higher penalties for repeated offenses. Penalties may be mitigated if the city demonstrates good faith efforts to comply with §106.113. Any person can file an administrative complaint with the Florida Elections Commission alleging a city's activities violate §106.113, provided the complaint is sworn and based on personal knowledge.

E. Points to remember with respect to §106.113 and a property tax proposal that becomes a ballot question:

Before: Cities have the most flexibility before a proposal becomes a Ballot Question and may use public funds to share factual education and messaging, whether published to a city website or sent to voters. Avoid creating political advertisements by eliminating language to "vote for" or "vote against" a proposal. Personal opinions, including opinions to "vote for" or "vote against" a proposal are permitted, provided none are generated or communicated through the use of public funds.

After: Cities have less flexibility as restrictions against public expenditures crystallize. Cities may not use public funds to send material to voters concerning a Ballot Question and may not pay for political advertisements. Public officials may voice their opinions in person, in response to questions at meetings or special forums, and through published media outlets such as opinion columns, provided these are not generated or communicated through the use of public funds.

Always: Regardless of whether a Ballot Question is formally pending, cities may report on official actions of city government; post factual information on government websites, unboosted social media platforms, or in printed materials (not sent to voters); host public forums; and respond to inquiries with factual information. Expressing personal opinions, including "vote for" or "vote against" proposals is permitted, provided it is not generated or communicated using public funds.

Never: Cities may not use public funds to create or run political advertisements expressing opposition or support for tax amendment proposals.

WINTER HAVEN
THE CHAIN OF LAKES CITY

CITY COMMISSION AGENDA REVIEW SESSION MINUTES

DATE: Wednesday, July 8, 2026, 5:30 p.m.

LOCATION: City Hall – John Fuller Auditorium
451 Third Street NW, Winter Haven, FL 33881

NOTE
PowerPoint slides of certain agenda items were also presented during this meeting. Link to PowerPoint here:
https://acrobat.adobe.com/id/urn:aaid:sc:VA6C2:b3b55dca-1788-4281-bc1b-398f90b38f21
A hard copy of the PowerPoint will be attached to the original signed minutes.

1. CALL TO ORDER – Mayor Yates called the agenda review session meeting to order at 5:30 p.m.

2. ROLL CALL – Vanessa Castillo, MMC, City Clerk

Commissioners Present: Mayor Brian Yates; Mayor Pro Tem Tracy Mercer; Commissioner Nathaniel J. Birdsong, Jr.; and Commissioner Clifton E. Dollison.

Commissioner Absent: Commissioner Chad Davis

Staff Present: City Manager T. Michael Stavres; Deputy City Manager Michael "M.J." Carnevale; City Attorney John Murphy; City Clerk Vanessa Castillo; Safe Neighborhoods Director Tanya Ayers; Human Resources Director Shawn Dykes; Economic Opportunity and Community Investment Director Eric Labbe; Public Works Director Brittany Hart; Public Affairs and Communications Director Katrina Hill; Fire Chief Drew Neubrand; Water Director Gary Hubbard; and Interim Parks, Recreation and Culture Director Scott Eilers.

5. PRESENTATION(S)

Mayor Yates said Items 5A and 5B would be presented at the July 13, Regular City Commission Meeting, Item 5C would be presented tonight, and Item 5D would be presented at the end of this meeting.

A. "Lakes Appreciation Month" Proclamation - Frances Howell-Coleman, Lakes Advisory Committee

There were no questions or discussion.

B. "Parks and Recreation Month" Proclamation - Scott Eilers, Interim Parks, Recreation & Culture Director

There were no questions or discussion.

C. * AGENDA REVIEW ONLY *** South Polk Pathways to Prosperity - Beneshea Frazier, Economic Development Director, Central Florida Regional Planning Council**

City Manager Stavres introduced Blake Drury from GAI Consultants, Inc. and gave background on this item and explained the study was a collaborative effort led by the Central Florida Regional Planning Council (CFRPC) and regional partners to evaluate future industrial and commercial growth opportunities in southern Polk County.

DRAFT

Mr. Drury provided an overview of the South Polk County Regional Transportation and Economic Development Strategy. He explained that the study focused on creating a connected and resilient regional network by coordinating land use, transportation, infrastructure, industrial development, and environmental protection. Mr. Drury highlighted the importance of preserving industrial land, increasing the availability of modern industrial buildings, improving transportation connections, expanding infrastructure readiness, and balancing economic growth with environmental protection. He noted that the strategy would help position South Polk County for long-term economic opportunities while maintaining the character of the community.

Commissioner Birdsong requested a copy of the presentation materials. City Manager Stavres stated that the slide deck would be provided. Mr. Drury offered to coordinate access to the full report once available. Beneshea Frazier, Economic Development Director with the CFRPC, explained that the report was still under review and would be made available after the partner review process was completed. She confirmed that copies of the presentation would be provided to the Commission.

City Manager Stavres recognized Ms. Frazier and Executive Director Jennifer Codo-Salisbury of the CFRPC, Lindsey Zimmerman of the Central Florida Development Council (CFDC), Winter Haven Economic Development Council (WHEDC) President Allison Beeman, [Board of Directors Vice Chairman] Steve Elias and others from the WHEDC, who were in the audience, for their work. He added that the study highlighted the need for more industrial space and a regional approach to economic growth.

Mayor Yates said the study supported Winter Haven's balanced approach to industrial growth through the Industrial Land Corridor (ILC) and asked about data centers. Ms. Frazier said the report recognized the interest in data centers but found that other types of industrial development were a better fit for South Polk County. Mr. Drury discussed hyperscale data centers and noted that Winter Haven currently did not have the available sites or infrastructure to support this type of development. He added that a moratorium was not needed at this time.

D. * AGENDA REVIEW ONLY *** Strategic Plan Presentation: Environmental Stewardship**

(Note: This item was discussed after Item 16A.)

City Manager Stavres gave an overview of the elements to be presented for the Environmental Stewardship Strategic Pillar. PowerPoint slides accompany these presentations *(see link/attached)*.

Water Conservation: Phase III Water Shortage Update

Water Department Customer Relations Specialist Kassidy King reported on the water shortage order issued by the Southwest Florida Water Management District (SWFWMD), the City's response, and that the water shortage order had been extended through October 1, 2026, because the region was still below normal rainfall levels. Specialist King also reported that the Water Department had added an irrigation violation reporting feature to the *Access Winter Haven* app and had received 83 reports, with two cases referred to Code Compliance [Safe Neighborhoods Department]. She said staff had also completed 54 irrigation evaluations and continued to educate the public about the watering restrictions.

Mayor Yates asked if the City's reclaimed water supply had recovered from last year's shortages. Specialist King said improvements connecting Plants 2 and 3 had helped, and the City had not experienced reuse water shortages this year. City Manager Stavres added that additional system improvements had increased reliability and reduced pressure and maintenance issues over the past year.

Lake Idyl 4E Plan

Senior Environmental Scientist Devon Moore gave an update on this plan and said it focused on improving water quality through stormwater projects, lake treatment, and public education. He also reported that the City had received grant funding to help pay for the planned improvements.

Deputy City Manager Carnevale complimented staff and said the plan helped the City qualify for grants and allows improvements to begin sooner instead of waiting for state action.

Mayor Pro Tem Mercer noted that the annual lakes report is available on the organization's website and encouraged staff to continue sharing the report.

South Lake Howard Nature Park Expansion

Assistant Public Works Director Todd Gooding provided an update on this expansion project. He said construction remained on schedule for completion in late July 2026 and highlighted improvements that included better stormwater management, expanded trails, new park amenities, an environmental education pavilion, and a 13-hole

disc golf course. He also noted the project was funded in part by a $450,000 grant and would improve both recreation and water quality.

Mayor Pro Tem Mercer asked about a feature shown in the project video. Assistant Director Gooding explained it was part of the trail system, which will include asphalt, boardwalk, and natural surface sections. He also pointed out the disc golf tee boxes and stormwater control structures shown in the video.

Mayor Yates asked how often trash was removed from the lakes and wetlands. Assistant Director Gooding said staff would monitor the new stormwater system and adjust cleanup as needed. City Manager Stavres added that the new system was designed to catch litter before it reaches the lake, and staff would remove debris after major storms.

Northeast Landfill Customer Convenience Center

Solid Waste Service Coordinator Bobbi Watson gave an update on the new center, which opened on June 1. She highlighted the facility's purpose, services, hours, and disposal fees, and encouraged residents to use the convenient location as an alternative to the county landfill. City Manager Stavres said the new facility provided residents with a convenient, low-cost option for disposing of debris, especially for those living in the eastern and northeastern parts of the City.

Mayor Yates asked how the disposal fees at the center compared to the fees at the [Polk] County landfill. Coordinator Watson explained that the landfill charged based on weight. City Manager Stavres said the landfill used a scale system and had a minimum charge.

Mayor Yates asked whether hazardous waste items, such as paint, chemicals, and electronics, could be taken to the new center. Coordinator Watson explained that those items would still need to be taken to the Environmental Center at the County's landfill. City Manager Stavres noted the challenge of having to visit separate locations for different types of waste. Discussion ensued.

Public Works Director Hart reported that a new Polk County Solid Waste Director was exploring additional pilot programs that could provide more convenient options for disposing of household hazardous waste.

City Manager Stavres concluded the presentation by highlighting staff's work on various projects that support the City's strategic plan. He recognized the efforts behind both large and smaller projects and noted that staff would return in August for additional infrastructure and budget discussions.

6. DEVELOPMENTS OF NOTE – None

7. MINUTES

A. May 26, 2026, Regular City Commission Meeting Minutes

B. June 3, 2026, City Commission Agenda Review Session Minutes

C. June 8, 2026, Regular City Commission Meeting Minutes

D. June 17, 2026, City Commission Agenda Review Session Minutes

E. June 22, 2026, Regular City Commission Meeting Minutes

There were no questions or discussion.

8. COMMENTS FROM THE AUDIENCE - None

9. ORDINANCE(S) – SECOND READING – PUBLIC HEARING - None

10. CONSENT AGENDA

A. Assignment of Physicians Partnership Developer's Agreement

Economic Opportunity and Community Investment Director Labbe gave an overview of this item.

There were no questions or discussion.

B. Peace Creek Community Development District Traffic Agreement

City Manager Stavres gave an overview of this item.

Mayor Yates asked whether the neighborhood could request a police officer for traffic enforcement and whether the City would be required to provide one. City Manager Stavres explained that enforcement would depend on officer availability and that the agreement did not give the neighborhood priority over other calls. He added that the neighborhood could hire an off-duty officer for special events or traffic enforcement at its own expense. Deputy Police Chief Gorek explained that the agreement would allow officers to enforce speeding, parking, and traffic violations on the roads within that subdivision which were owned and controlled by the Peace Creek Community Development District. He said residents could report ongoing issues, which would be handled based on call priority, or they could request a special-duty officer at their own expense.

Mayor Pro Tem Mercer asked whether the neighborhood paid ad valorem taxes. City Manager Stavres said yes and explained that the agreement only related to enforcement on the subdivision's roads (which were owned and controlled by the Peace Creek Community Development District).

C. Authorization for Travel & Training - Florida League of Cities (FLC) Annual Conference (Yates, Mercer, Birdsong, Davis, Dollison, Carnevale, and Hill)

City Manager Stavres gave an overview of this item and noted he was not attending due to another commitment.

There were no questions or discussion.

D. First Amendment to Utility's Developer's Agreement with Forestar (USA) Real Estate Group, Inc. for Harmony on Lake Eloise

Water Director Hubbard gave an overview of this item.

City Manager Stavres added that the amendment reflected utility improvements identified during the review process, including larger pipe sizes needed to meet future demand.

There were no questions or discussion.

E. Badger Meter, Inc., (SmartCover System) Annual Maintenance Agreement Renewal

Water Director Hubbard gave an overview of this item.

Commissioner Birdsong asked whether the monitoring devices were installed on all manhole covers. Director Hubbard said they were placed in key locations throughout the sewer system. He said the equipment had helped prevent several potential sanitary sewer overflows.

City Manager Stavres asked whether the monitoring devices could be moved if needed. Director Hubbard said yes.

Commissioner Birdsong asked how the monitoring devices helped during heavy rain events. Director Hubbard explained that the devices help identify sewer lines with infiltration or blockages so they can be repaired or replaced before problems occur. Mayor Pro Tem Mercer added that they also helped to identify clogged sewer lines.

F. Water and Sewer Connection Fee and Rate Study

Water Director Hubbard gave an overview of this item.

City Manager Stavres explained that the rate study would review the City's current water and sewer rates, update them based on current needs, and evaluate a possible environmental surcharge to support projects such as septic-to-sewer conversions and environmental land purchases. Director Hubbard added that staff would also review changing the billing tiers to smaller usage ranges to better help customers on fixed incomes.

Commissioner Birdsong asked whether the updated rates would be used for the 2027-2028 budget. Director Hubbard confirmed that was the plan because the current surcharge must be removed.

Commissioner Birdsong asked whether the City could continue using a surcharge. City Manager Stavres explained that state law still allows a surcharge, but the process is now more complex and the current surcharge must end by July 1, 2027. Director Hubbard added that staff would present rate recommendations, including when any new rates could take effect.

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Mayor Yates asked if the rate study would determine the new rates for non-residents. Director Hubbard explained that the outside the City limits surcharge would be removed and the rates would be rebalanced. City Manager Stavres added that customers outside the City would likely see lower bills, while customers inside the City would likely see higher bills because the surcharge would no longer be collected, which he explained further. Discussion ensued.

G. Wastewater Treatment Plant #3, Emergency Sludge Dewatering agreement with Synagro South, LLC

Water Director Hubbard gave an overview of this item.

City Manager Stavres explained that the emergency work was needed after an issue at one wastewater treatment plant, impacted the second plant. He said the work had already been completed and the item was for retroactive approval. Director Hubbard confirmed the contractor was still on site. Discussion ensued.

City Manager Stavres said emergency repairs could not always be predicted and explained that delaying maintenance or capital improvements can lead to more emergency repairs in the future. Director Hubbard added that both of the City's wastewater treatment plants are more than 50 years old and will likely need additional repairs as the new plant is under design.

H. Purchase of Pipe Fittings and Materials for Lead and Copper Rule Revisions (LCRR) Compliance

Water Director Hubbard gave an overview of this item.

Construction Superintendent D'Aundre Holmes-Wilfork reported that the City is ahead of schedule in replacing lead water service lines before the 2037 deadline. He said crews had replaced 71 lead service lines and reduced the number of unknown service lines from about 35,000 to 14,600 using predictive modeling. He requested additional materials to keep the project on schedule. City Manager Stavres clarified that the project is focused on removing lead from older water service lines, not lead in the drinking water. He said predictive modeling helps staff identify older properties that are most likely to have lead service lines.

Mayor Pro Tem Mercer asked whether the age of homes was used to identify possible lead service lines. Superintendent Holmes-Wilfork said the predictive modeling used construction dates and field inspections. He added that staff also used City records to eliminate newer homes that could not have lead service lines.

Commissioner Birdsong asked where the lead pipes were typically located. Superintendent Holmes-Wilfork explained that they are usually found where the water service connects to the main line, so the entire service line to the meter is replaced. Director Hubbard added that the department is using AI technology to make the process more efficient.

I. Cooperative Facilities Use Agreement with Polk County School Board

City Manager Stavres gave background information on this item.

Interim Parks, Recreation and Culture Director Eilers gave an overview of this item.
City Manager Stavres added that the City had previously committed $350,000 toward improvements at Denison Stadium. He said the City would pay the remaining $250,000 after crediting fees paid by the [Polk County] School Board (PCSB) under the agreement.

Commissioner Birdsong asked whether concerns about youth access had been resolved. City Manager Stavres said they had and explained that use of school facilities would continue to be scheduled through the PCSB, just as the City schedules the use of its own facilities.

Commissioner Birdsong asked when the City would make the remaining $250,000 payment. City Manager Stavres said the payment would be made after the agreement was executed using available General Fund balance. He noted the commitment had been approved several years ago.

J. Winter Haven Public Library Unit 4 Emergency Replacement & HVAC Unit 3 Emergency Repairs

Interim Parks, Recreation and Culture Director Eilers gave an overview of this item.

City Manager Stavres City Manager Stavres added that the emergency HVAC repairs at the library had already been completed. He said the repairs were needed to protect the library's collection and thanked staff for responding quickly.

There were no questions or discussion.

K. Kimley-Horn Design Services for Old Helena Road and Cypress Gardens Road

Public Works Director Hart gave an overview of this item.

City Manager Stavres said the project would improve pedestrian access and stormwater drainage. Public Works Director Hart added that the project would include minor roadway changes and a new bus shelter and noted there would be no roundabout or major intersection improvements.

There were no questions or discussions.

11. RESOLUTION(S)

A. R-26-19 - Adopting the 2025 Annual Lakes Report

City Manager Stavres gave background information on this item and noted that the Commission would receive the Lakes Appreciation Month proclamation at the Monday, July 13, 2026, Regular City Commission Meeting, along with a presentation by [Environmental Scientist] Devon Moore and other members of the Natural Resources Division team.

Deputy City Manager Carnevale gave an overview of this item.

Environmental Scientist Moore confirmed that a hard copy of the report would be provided to the Commission.

12. ORDINANCE(S) - FIRST READING - None

13. NEW BUSINESS

A. Appointment of Legal Counsel for matters relating to Blue Line Aviation, LLC

City Attorney Murphy gave an overview of this item.

Mayor Yates asked whether the Commission should avoid discussing pending litigation. City Attorney Murphy confirmed that the City's general practice is not to comment on ongoing litigation, except during authorized meetings to discuss legal strategy or possible settlements.

B. Discussion on Commissioners Compensation

City Manager Stavres gave an overview of this item and said this item would be discussed at the Monday, July 13, 2026, Regular City Commission Meeting.

There were no questions or discussions.

14. CITY COMMISSIONERS/LIAISON REPORTS – None

15. CITY ATTORNEY REPORT – None

16. CITY MANAGER REPORT

A. 2026 Florida League of Cities (FLC) Voting Delegate Designation

City Manager Stavres gave an overview of this item and said this item would be discussed at the Monday, July 13, 2026, Regular City Commission Meeting.

There were no questions or discussions.

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City Manager Stavres introduced Allison Beeman, new President of the Winter Haven Economic Development Council (WHEDC). President Beeman introduced herself, shared her background in economic development and the private sector, and said she looked forward to working with the y.

17. DEPUTY CITY MANAGER REPORT – None

18. CITY CLERK REPORT – None

19. EMERGENCY MATTERS NOT RECEIVED FOR THE AGENDA – None

20. ADJOURNMENT – 7:35 p.m.

ATTEST:

Vanessa Castillo, MMC
City Clerk

CITY OF WINTER HAVEN, FLORIDA

William Brian Yates
Mayor

DRAFT

DATE: July 27, 20262026

TO: Honorable Mayor and City Commissioners

VIA: T. Michael Stavres, City Manager
M.J. Carnevale, Deputy City Manager

FROM: Gary Hubbard, P.E., Water Department Director

SUBJECT: **Ordinance O-26-18:** Amending Sections 19-80, 19-150, 19-151 of Code of Ordinances for Industrial Pretreatment

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BACKGROUND

The Industrial Pretreatment Program (IPP) is a federally mandated program designed to control the discharge of pollutants from non-residential sources into the public sewer system. The program protects wastewater treatment facilities, utility workers, public health, and the environment by ensuring industrial users comply with local, state, and federal regulations. Under the IPP, industries are required to pretreat their wastewater to remove, reduce, or alter pollutants prior to discharging it into the City's domestic wastewater treatment facilities (WWTF).

The City of Winter Haven's IPP includes surcharge rates to recover costs of treating high-strength wastewater. These surcharges are applied when an industrial user exceeds their permit-allotted levels for wastewater flow, biochemical oxygen demand (BOD), and total suspended solids (TSS). For each of these parameters, separate operating and capital recovery components are assessed for each industrial discharger to the municipal sewer system.

The initial ordinance was passed in the 1980's to establish an industrial cost recovery program for industrial users of the municipal wastewater system as required by United States Public Law 92-500. Industrial users of a municipal wastewater system are required to make at least annual payments in proportion to their consumption of actual and/or reserve capacities of the federal grant-funded wastewater plants. In 2004, the City's wastewater plants were modified and expanded without federal grant aid and accordingly the capital recovery surcharge rates were modified as a means to recover the capital investment associated with using the treatment capacity at the WWTF in excess of the amount contracted for and paid through connection fees.

Ordinance O-26-18 is based on Technical Memorandum dated July 1, 2026, together with a Draft Executive Summary dated September 9, 2025, prepared by Jones Edmunds which has provided a

thorough fiscal analysis of the City's industrial wastewater expenses and revenues generated from industrial user charges and fees, and which forms a factual basis for the adjustment of industrial user charges and fees. The Ordinance O-26-18 will take effect on January 1, 2027.

FINANCIAL IMPACT

There is no financial impact anticipated by the passage of Ordinance O-26-18. In accordance with Section 166.041 (4) (c) 3 of the Florida Statutes, a Business Impact Estimate is not required for this Ordinance since this Ordinance relates to the adoption of revenue sources necessary to fund the budget.

STRATEGIC PLAN ALIGNMENT

- **Pillar:** Infrastructure
- **Goal:** 3.3 – Ensure an actionable strategy is in place for the future of water resources.

RECOMMENDATION

Staff recommends the City Commission approve Ordinance O-26-18 and authorize and/or ratify any actions taken or to be taken by the City Manager or his designee related to this matter.

ATTACHMENTS

- Ordinance O-26-18 (Industrial Rates)
- Exhibit "A" Amendment to the Code of Ordinances
- Exhibit "B" Schedule of Values of Charges and Fees
- Exhibit "C" Technical Memorandum and Executive Summary
- EPA Quit Claim Deed (2006)

ORDINANCE O-26-18

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER HAVEN, FLORIDA RELATING TO UTILITIES; AMENDING SECTIONS 19-80, 19-150, AND 19-151 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA; ADOPTING A REVISED SCHEDULE OF CHARGES AND FEES FOR THE REIMBURSEMENT OF COSTS TO THE CITY FOR THE TREATMENT OF INDUSTRIAL WASTEWATER; PROVIDING FOR AN AUTOMATIC INCREASE OF UP TO TWO AND ONE-HALF PERCENT OF SUCH INDUSTRIAL CHARGES AND FEES ON THE 1ST OF EACH OCTOBER WITHOUT THE NEED FOR HEARING; CLARIFYING THE APPLICABILITY OF CERTAIN RATES, FEES, AND CHARGES TO INDUSTRIAL USERS SUBJECT TO THE INDUSTRIAL PRETREATMENT ORDINANCE; ELIMINATING OBSOLETE INDUSTRIAL COST RECOVERY PROGRAM REQUIREMENTS AND DELETING SECTIONS 19-176 THROUGH 19-180 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, FOR SEVERABILITY, FOR CODIFICATION, AND FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS**,** Jones Edmunds has, on behalf of the City of Winter Haven, Florida, generated a "Technical Memorandum" together with an "Executive Summary" dated dated July 1, 2026 which has provided a thorough fiscal analysis of the City's industrial wastewater expenses and revenues generated from industrial user charges and fees, and which forms a factual basis for the adjustment of industrial user charges and fees, copies of which are attached hereto and incorporated herein as Exhibit "C" ; and

WHEREAS, the "Industrial Cost Recovery" component of the City's industrial rates, found in Chapter 19, Sections 19-176, et seq., of the City Code (the "ICR Ordinance"), was adopted in compliance with Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 ("FWPCAA"), Public Law No. 92-500, in order to fully comply with the terms and conditions of Environmental Protection Agency ("EPA") Grant No. C-120459-010 to the City for the construction of Wastewater Treatment Plant No. 3 ("WWTP#3"); and

WHEREAS, based on that certain Quit Claim Deed executed by the EPA in 2006, and recorded in Official Records Book 6984, Page 2268, Public Records of Polk County, Florida WWTP#3" has been released from all "conditions that may be contained in EPA Grant # C-120459-010, and that may be recorded in the Public Records of Polk County,

Florida," inclusive of requirements imposed by the FWPCAA to charge and collect an industrial cost recovery fee from industrial users of the WWTP#3; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, further finds it expedient and prudent to revise the text of Sections 19-80, 19-150, and 19-151 of Chapter 19 of the Code of Ordinances, and to repeal the ICR Ordinance, Sections 19-176 through 19-180 of Chapter 19 of the Code of Ordinances, in the form attached hereto as Exhibit "A", in order to revise and restate the wastewater rate structure for industrial users effective January 1, 2027; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds it expedient and prudent to adopt a new Schedule of Charges and Fees for industrial users pursuant to Section 19-80 of the City's Code of Ordinances, a copy of which is attached hereto as Exhibit "B", also effective January 1, 2027, and to include therein an automatic increase of such charges and fees effective each October 1 without the need for any further hearing; and

WHEREAS, the City Commission of the City of Winter Haven, Florida, finds that this Ordinance concerns a principal source of enterprise revenue necessary to fund the City of Winter Haven, Florida, budget for municipal fiscal year 2026-2027 and, as such, no business impact estimate is required to be prepared or posted prior to the City Commission's consideration of this Ordinance pursuant to the statutory exemption stated in Section 166.041(4)(c)3., Florida Statutes (2026);

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. Chapter 19, Article III, Sections 19-68 through 19-80 of the Code of Ordinances of the City of Winter Haven, Florida, are hereby amended to read as set forth on Exhibit "A" attached hereto and incorporated by reference. <u>Underlined</u> words are added, ~~stricken~~ words are deleted.

2. Pursuant to Section 19-80, as amended, the City Commission hereby adopts the Industrial Pretreatment Ordinance Schedule of Charges and Fees attached hereto and incorporated herein by reference as Exhibit "B". Such Schedule shall, when effective, fully replace all previously adopted, amended, and/or revised Industrial Pretreatment Ordinance Schedules of Charges and Fees on file with the City Clerk's office.

3. The text of Exhibit "A" to this Ordinance shall be codified and made a part of the Code of Ordinances of the City of Winter Haven. It is the intention of the City Commission that the provisions of Exhibit "A" to this ordinance shall become and be made a part of the City of Winter Haven Code of Ordinances; and that sections of this ordinance may be renumbered or relettered and the word *ordinance* may be changed to *section, article,* or such other appropriate word or phrase in order to accomplish such intentions; and regardless of

whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the City Manager or his/her designee without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

4. All Ordinances or parts of Ordinances and Resolutions in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

5. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

6. This Ordinance shall take effect on January 1, 2027.

INTRODUCED on first reading this 27th day of July, 2026.

PASSED on second reading this 10th day of August, 2026.

CITY OF WINTER HAVEN, FLORIDA

_____
MAYOR-COMMISSIONER

ATTEST:

_____
CITY CLERK

Approved as to form:

_____
CITY ATTORNEY

ORDINANCE O-26-18

EXHIBIT “A”

AMENDMENT TO THE CODE OF ORDINANCES OF
THE CITY OF WINTER HAVEN, FLORIDA

In this Exhibit, underlined text is proposed new text and ~~strikeout~~ text is text proposed to be deleted. In the interest of brevity, the omission of unamended text from this Exhibit is intentional and indicated using an ellipsis.

Sec. 19-80. - Charges, fees and billing procedure.

(a) The city shall, from time to time, establish a uniform schedule of charges and fees to provide for the reimbursement of costs to the city for the treatment of industrial wastewater. This schedule of charges and fees shall be enacted and modified by ordinance adopted by the city commissioners of the City of Winter Haven, Florida. This schedule may include such charges and fees related to the amount of flow and the composition of industrial wastewater as the city commissioners of the City of Winter Haven, Florida may see fit to impose. This schedule shall not be codified, but shall be on file in the city clerk's office. This schedule may provide for an automatic escalator of charges and fees, without hearing, in the amount of two and one half percent (2½%) to occur on October 1 of each municipal fiscal year.

(b) Where the premises are served by city water, including reuse water if applicable, and wastewater utilities, any ~~fees and changes~~ charges and fees imposed pursuant to this ordinance shall be added to and made a part of a consolidated utility billing together with any and all rates, fees, and charges that may be imposed under other applicable rate ordinances of the city.

(c) Where city utilities are not used, said ~~fees and~~ charges and fees shall be charged to and collected from the user.

(d) Bills rendered pursuant to this ~~provision~~ section 19-80 shall be considered delinquent if not paid by the date specified thereon ~~on this bill~~. Said delinquency shall be considered as a violation of the provisions of this ordinance and the wastewater permit and may be considered for enforcement proceedings pursuant to the applicable enforcement provisions of this ordinance. For purposes of such delinquencies, the city may avail itself of the remedies set forth in Part I of Chapter 159, Florida Statutes, the "Revenue Bond Act of 1953" (the "Act"), which provides that the city has a lien on all lands or premises served by any water and/or sewer system for service charges for such facilities until paid, which liens are prior

to all other liens on such lands or premises except the lien of state, county, and municipal taxes; and such lien(s) are on a parity with the lien of state, county and municipal taxes. Pursuant to the Act and the city's home rule power(s), the city imposes liens on all properties served by the utility system for unpaid utility service fees and/or user charges, the enforcement of such service charges (including the assessment of the city's legal costs in enforcing any such liens).

~~(d)~~(e) The provisions set forth in this section19-80 are not exclusive remedies. The city reserves the right to take any, all, or a combination of legal and/or equitable action(s) against a noncompliant and/or delinquent user which may include, but shall not be limited to, the city's right and ability to discontinue utility service(s) for nonpayment and requiring all charges, fees (including attorneys' fees and costs), interest and penalties be paid-in-full prior to restoring such utility service(s); and the city's right and ability to foreclose any lien(s) created by and/or arising out of the Act in the manner provided by the Laws of Florida for the foreclosure of mortgages on real property.

…

Sec. 19-150. - Special rates and uses.

(a) Nothing in sections 19-136 through 19-149, establishing uniform rates for water and sewer service, shall restrict the city commission's authority to contract with other municipalities, major commercial and industrial users, a major complex of such users, and other users whose use does not fall within a rate classification to provide water and sewer service at rates consistent with the use and the uniform rates.

(b) An owner may be served with a separate meter and connection to the main or lateral, installed at his expense, to supply water from the city water system for irrigation, sprinkling, swimming pools, cooling units and other similar uses. If this separately metered water does not enter a city sanitary sewer, the city will not add a sewer service charge to this water service charge.

(c) A customer who only has a single meter for domestic supply and desires to fill a swimming pool can receive credit for sewer charges for the amount of water used to fill the pool. The customer must contact the account services department in advance of filling the pool and request the credit. Meter readings must be taken prior to and after the pool is filled.

(d) Subject to regulations the city commission may prescribe, an owner may discharge the wastes from water supplied by a private well into a city sanitary sewer if he installs, at his expense, an accurate sewage meter

approved by the city engineer in the building sewer carrying these wastes to the city sewer. The city will compute the sewer service charge at applicable rates for the same quantity of water. Once the meter is installed and accepted by the city, the city will take ownership of the meter and any future maintenance or replacements of the meter will be the city's responsibility.

(e) For any customer except an industrial user subject to the City's Industrial Pretreatment Ordinance, the ~~The~~ city may impose a surcharge over normal rates if the wastes discharged from any commercial or industrial building, plant or premises are abnormally high on BOD or suspended solids. As used in this paragraph, a low strength waste is a waste containing a BOD below one hundred (100) milligrams per liter and suspended solids below one hundred (100) milligrams per liter; a high strength waste is a waste containing a BOD above three hundred (300) milligrams per liter or suspended solids above three hundred fifty (350) milligrams per liter.

(f) The city may impose charges for taking sewage samples and for laboratory analyses of these samples.

(g) This section hereby establishes a special service and rate for those customers who meet all of the following criteria:

(1) Personally resides in a single-family residence served by any city utility;

(2) Requests the special service which shall consist of a temporary interruption of utility services for a period of not less than sixty (60) calendar days nor more than two hundred seventy-five (275) calendar days;

(3) Requests special services, as defined in (2) above, in advance and at the time of the request provides a date certain for reinstatement of full utility service; and

(4) Arranges for payment of all charges for the period of special services at the time of the request.

On the date the special service is to commence, the city shall turn off the water meter servicing the residence and cease collection of solid waste. Full service shall be reinstated on the date provided by the customer pursuant to (3) above unless prior written notification is provided by customer to change the reinstatement date to another date within the period allowed in (2) above. In no event shall full service be reinstated less than ten (10) days after receipt of requested change of reinstatement date. The monthly special service rate for solid waste, water and sewer during the period of

special service is on file in the city clerk's office. To satisfy the requirements of (4) above, the customer may either pay all anticipated charges in advance, arrange for monthly billing at a given address or pay all accrued charges at the time of reinstatement of full service. In the case of the latter, all accrued charges shall be paid within five (5) working days of reinstatement. Accrued charges not paid within the five (5) working days shall be cause for termination of utility service in accordance with current ordinances.

(h) Customer eligibility for same day service: All customers that pay to either activate service or reconnect service will be turned on the same day if paid prior to 4:30 p.m. All payments received after this time will be turned on the following business day.

(1) Activation: For a new service customer, the customer must have paid in full: 1) a deposit as required in section 19-8 of this code; and 2) a new account fee (up to four (4) installment utility account billings permitted) and any connection and/or reconnection fees and charges including but not limited to those as required in this code applicable to water including but not limited to reuse water, if applicable, and wastewater utility accounts.

(2) Reconnection: For an existing service customer, all payments and delinquent balances for all city utility accounts must be paid in full for eligibility for same day turn on; and payment in full of all applicable reconnection deposits, including but not limited to those as required under section 19-6 of this code and as set forth in this section and in Schedule 1-R attached hereto and on file in the city clerk's office. Payments must be made in person or over the phone to receive this option.

(3) The same day turn on option will not be available for online service requests and payments.

(4) If a request for same day turn on service cannot be fulfilled during the city's field services division's normal operating hours, on-call rotation personnel are to be contacted.

(5) Eligible customers who elect the same day turn on option must be present at the property during the city's field services division's normal operating hours.

Sec. 19-151. - Industrial wastewater.

(a) *Definition.* This service is defined as liquid waste from manufacturing processes, trades, businesses or practices as distinguished from ordinary,

normal and usual sanitary sewage regardless of its source. This service shall also include any large institutional user. This service shall include any supply of sewage placed into the sanitary sewer system which, in the opinion of the city's professional consulting engineers, constitutes a special problem either because of its strength, quantity, nature of waste or resulting problems of the city's sanitary sewer system.

(b) *Rate determination.* In addition to any rates, fees, and charges that may be assessed under the city's uniform rate structure schedule 1-R, and charges and fees assessed to industrial users under the city's Industrial Pretreatment Ordinance, the ~~The~~ following items shall make up the rates to be paid by industrial wastewater service customers ~~rate schedule~~:

(1) *Metering charge.* Where the user purchases all water required from the city and all water purchased is discharged to the city sanitary sewer system, the water meter, or meters, shall be used as a basis of determining quantity of waste. No metering charge would be made in this case. Where special metering is required, the cost of such metering shall be determined by the city and become a part of the rate to be applied monthly, the cost to install special metering devices and structures will become a part of the initial connection charge. Where standard water meters are applicable, the meter charges which shall be made are on file in the city clerk's office.

(2) Laboratory charge. The laboratory charge is comprised of costs for analyzing samples. A schedule of charges is on file in the city clerk's office.

(3) Collection charge. A monthly charge for collecting wastewater is on file in the city clerk's office.

(4) Treatment charge. The monthly charge for treating standard wastewater will be computed on the basis of hydraulic flow and constituent strength which is on file in the city clerk's office at 451 Third Street, N.W. Winter Haven, FL.

(5) Penalty charge. A penalty charge of not less than one-half of the average monthly billing will be imposed on the user for allowing constituents of wastewater to exceed the allowable limits defined in the "industrial wastewater limitations table" incorporated by reference and adopted herein on file in the city clerk's office at 451 Third Street, N.W. Winter Haven, FL. Continued violation shall be considered grounds for the city to refuse to accept the waste.

(6) Initial connection charge. The initial connection charge shall be in accordance with adopted policy of the city where applicable;

otherwise, the connection charge shall be as mutually agreed upon between the city and the customer.

(7) Minimum charge. For industries which do not operate year-round, a minimum charge of seventy (70) percent of the average monthly charge shall be assessed for those months in which the industry does not operate and does not produce industrial wastewater.

(8) [Local limits.] No person shall discharge wastewater containing pollutants in excess of the industrial wastewater limitations, known as local limits, for those pollutants which have been established for the city's POTW using standard procedures, calculations and methods acceptable to FDEP to protect against pass through, interference, protection of POTW employees, and adverse affects on wastewater residuals disposal. No industrial user shall discharge process waste streams, unregulated waste streams, or dilute waste streams in excess of concentrations set forth by the utility/engineering services department director. Local limits shall be included as permit conditions and attached to each SIU wastewater permit issued.

The established local limits are subject to change and shall be modified as needed based on regulatory requirements and standards. POTW operation, performance and processes, the industrial user base, potable water quality and domestic wastewater characteristics. Modifications to the established local limits must be reviewed and approved by FDEP prior to implementation. Implementation shall be effective thirty (30) days from notice of acceptance of the modified limits by FDEP. Permitted SIUs shall also be issued an addendum to their wastewater discharge permit containing the new local limits.

The established local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. At his or her discretion, the utility/engineering services department director may impose mass limitations in addition to or in place of the concentration-based limitations.

A copy of the approved local limits is available upon request in the city clerk's office at 451 Third Street, N.W. Winter Haven, FL.

The industrial wastewater limitations table is incorporated by reference and adopted herein.

…

ARTICLE VII. - INDUSTRIAL COST RECOVERY

Editor's note – *In Ordinance O-26-18, the City Commission of the City of Winter Haven determined that certain provisions of this Code (Secs. 19-176, et. seq., establishing an industrial cost recovery program for industrial users of federally-subsidized municipal wastewater treatment works under Section 204(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500), were obsolete and no longer needed based on that certain release by the United States Environmental Protection Agency of the special conditions found in Grant C-120459-010, a copy of which is recorded in Official Records Book 6984, Page 2268, Public Records of Polk County, Florida. These provisions were removed from the Code of Ordinances by the same Ordinance. To review the text of these historically applicable provisions, please see Exhibit A of Ordinance O-26-18.*

Sec. 19-176. - ~~Definitions.~~ Reserved.

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Grant* means all funds received from the United States Government Environmental Protection Agency for the construction of wastewater treatment plant number three, and the force main and pumping station to such wastewater treatment plant.~~

~~*Grant-eligible construction costs* means expenditures for expansion and reconstruction of the grant-funded facility that are approved by the regional administrator of the Environmental Protection Agency of the United States Government.~~

~~*Grant-funded facility* means wastewater treatment plant number three and the associated force main and pumping station.~~

~~*Industrial user*, as defined by the current regulations of the Environmental Protection Agency, which is contained in section 8 of the EPA Guidelines to the Administration of Grants received under Public Law 92-500.~~

~~Sec. 19-177. - Intent.~~

~~(a) It is the intent of this article to establish an industrial cost recovery program for industrial users of the municipal wastewater system as required by United States Public Law 92-500.~~

~~(b) In accordance with United States Public Law 92-500, industrial users of the municipal wastewater system must make at least annual payments in~~

proportion to their consumption of actual and/or reserve capacities of the federal grant-funded wastewater plant of the city, and that the grant amounts to which the industrial cost recovery system created by this article shall include Step I, II, III, grants received by the city from the United States Government.

(c) The industrial cost recovery system created by this article shall be based on the industrial flow as a percentage of the total designed flow of the wastewater facility and industrial uses will be assessed for only that portion of the grant-funded construction cost that is allocable to their use.

Sec. 19-178. - System established.

There is hereby established an industrial cost recovery system requiring certain industrial users to pay to the city, at least annually for a period of thirty (30) years, an amount equal to the grant amount received by the city under Public Law 92-500 in proportion to the industrial users' consumption of actual and reserved capacities of the grant-funded treatment works, exclusive of infiltration/inflow amount. This article shall only apply to industrial users and shall be calculated as provided in section 19-180.

Sec. 19-179. - Administration, use of funds.

(a) The city shall collect from the industrial users, at least annually, the industrial cost recovery charge as calculated in section 19-180.

(b) The funds received by the city from industrial wastewater users pursuant to this article shall be used as follows:

(1) Fifty (50) percent of the funds collected shall be refunded to the United States Treasury, including any accrued interest.

(2) Forty (40) percent of the recovered funds shall be retained by the city in a separate account and used solely for grant-eligible construction costs.

(3) The remaining ten (10) percent of the recovered funds can be expended at the city's discretion, exclusive of general operation and maintenance costs and any rebates to industrial users of industrial cost recovery payments.

(c) All funds recovered during the annual accounting period, with the exception of the discretion portion of the city's share, shall be deposited in interest-bearing accounts which are fully collaterized by obligations of the United States Government or by obligations fully guaranteed as to principal and interest by the United States Government or any of its agencies.

(d) At annual intervals, beginning not later than one (1) year after the start of the industrial cost recovery period, the city shall submit the following:

(1) A check for the annual payment to the federal government, made payable to the United States Environmental Protection Agency; and

(2) A certification by a certified public accountant that the city has complied with all provisions of the approved industrial cost recovery system, and that the annual payment is the full amount due the federal government and that the payment includes interest earned on the recovered funds during the preceding annual accounting period. This certification must also delineate the fiscal status, including accrued interest earned, on that portion of the recovered funds retained by the city for future expansion and reconstruction of the wastewater treatment works.

Sec. 19-180. - Industrial cost recovery formula.

(a) The industrial cost recovery charge to be levied upon industrial users using the city's wastewater system shall be based on all factors which significantly influence the cost of treatment and shall result in recovery of all portions of the Step I, II, III, federal grant allocable to such industry. This cost shall take into consideration the capital construction cost of each component of the treatment works in relation to the principal parameters including volume flow, biochemical oxygen demand (BOD), suspended solids and any other designed parameter which influences the cost of construction.

(b) The industrial cost recovery charge per unit is hereby established as follows:

Table 3—Industrial Cost Recovery Per Unit

Flow:		
	Grant Portion	$5,009,594.00
	Design Capacity	4.5 mgd
	ICR Requirement	$1,113.24 per thousand gallons
BOD_5		
	Grant Portion	$2,596,596.00
	Design Capacity	12,510 pounds
	ICR Requirement	$207.56 per pound
SS		
	Grant Portion	$437,885.00
	Design capacity	12,510 pounds
	ICR Requirement	$35.00 per pound.

~~(c) The industrial cost recovery charge for specific users shall be calculated using Table 3 above, and the industrial users' actual discharge into the system, and shall be recovered over a period of thirty (30) years.~~

~~(d) The city shall monitor the discharges of each industrial user, both strength and volume, with sufficient frequency to accurately determine wastewater flows from the industrial user in calculating the industrial cost recovery charge for that period.~~

INDUSTRIAL PRETREATMENT ORDINANCE
SCHEDULE OF CHARGES AND FEES
EFFECTIVE JANUARY 1, 2027

	Assessed	Above	Rate
Operating Component Charges			
Metered Flow	Per 1,000 gal.	-	*See Sch. 1-R* [2]
Operating Component Surcharges			
BOD Surcharge	Per lb.	280 mg/l	$ 0.82
TSS Surcharge	Per lb.	255 mg/l	$0.09
Constituent Surcharges			
Fats, Oil, & Grease Surcharge	Per lb.	54 mg/l	$ 0.15
Total Nitrogen (TN) Surcharge	Per lb.	90 mg/l	$ 0.21
Total Phosphorous (TP) Surcharge	Per lb.	7 mg/l	$ 0.76
Total Dissolved Solids (TDS) Surcharge	Per lb.	390 mg/l	$ 0.86

Provisions and Notes

1. This Industrial Pretreatment Ordinance Schedule of Charges and Fees ("Schedule") and list of operating component charges, operating component surcharges, and constituent surcharges thereon, is adopted by the City Commission of the City of Winter Haven pursuant to Ordinance O-26-18 (Aug. 10, 2026) and Section 19-80(a) of the City of Winter Haven Code of Ordinances.

2. The Metered Flow charge for wastewater service provides recovery of cost for wastewater services within systems normal operating criteria. The charge for Metered Flow per kilogallon shall be equal to the commercial rate imposed by Schedule 1-R, Section 19-138 of the City of Winter Haven, Code of Ordinances.

3. The administrative revision number for this Schedule is 0 and the effective date is January 1, 2027. When effective, this Schedule fully replaces all previously adopted and administratively revised copies on file with the City Clerk's office.

4. Pursuant to Section 19-80(a) of the City of Winter Haven Code of Ordinances, with

the exception of charges and fees for Metered Flow, which shall be equal to the commercial rate imposed by Schedule 1-R and Section 19-138 of the City of Winter Haven Code of Ordinances, all charges and fees in this Schedule shall automatically escalate and increase, without hearing, by 2.5% each October 1 following this Schedule's effective date. At the time an automatic escalation and increase becomes effective, the City Clerk is authorized to administratively revise this schedule, update the administrative revision number and effective date in Provision and Note No. 3, issue, and retain on file a revised Schedule reflecting automatically escalated and increased charge and fee amounts without the need for further hearing or action by the City Commission.

5. To calculate operating component and constituent surcharges imposed by weight in pounds as measured above concentration values identified in milligrams per liter, use the formula:

$$Surcharge\ Amount = (Lbs_t - Lbs_d) \times Rate$$

Where:

Lbs $_t$ (the "total average pounds of a component or constituent") is determined by multiplying 8.34 pounds per gallon (the weight of a pound of water) times the average amount of industrial wastewater flow observed for the period (measured in millions of gallons) times the average amount of the component or constituent observed for the period (measured in milligrams per liter), or

Lbs $_t$ = 8.34 lbs./gal. × *AvgVolume* Mgal./Period × *AvgObservedValue* mg/L

and:

Lbs $_d$ (the "total average pounds of a component or constituent in domestic wastewater") is determined by multiplying 8.34 pounds per gallon (the weight of a pound of water) times the average amount of industrial wastewater flow observed for the period (measured in millions of gallons) times the component or constituent value identified in the "above" column in the Schedule (measured in milligrams per liter), or

Lbs $_d$ = 8.34 lbs./gal. × *AverageVolume* Mgal./Period × *DomesticValue* mg/L

6. For purposes of this Schedule, values for operating components and constituents shall be the average observed value expressed in milligrams per liter as determined by laboratory analysis over the period of one billing cycle.

TECHNICAL MEMORANDUM

City of Winter Haven Industrial Pretreatment Program – Surcharge Rate Evaluation

James K McLellan

Digitally signed by James K McLellan
DN: CN=James K McLellan, dnQualifier=A01410C000001916B455A720000FCC6, O=JONES EDMUNDS AND ASSOCIATES INC., C=US
Date: 2026.07.02 07:58:39-04'00'

TO: Gary Hubbard, PE, City of Winter Haven

FROM: Jim McLellan, PE; Tom Friedrich, PE, BCEE

DATE: July 1, 2026

JAMES K. MCLELLAN, PE, STATE OF FLORIDA, PROFESSIONAL ENGINEER, LICENSE NO. 60377. THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED ON THE DATE INDICATED HERE. SIGNATURE MUST BE VERFIED ON ANY ELECTRONIC COPIES.

SUBJECT: Evaluation of Operational and Capital Recovery Surcharge Rates
Jones Edmunds Project No.: 23160-035-01

EXECUTIVE SUMMARY

PURPOSE

This Technical Memorandum evaluates and recommends updates to the City of Winter Haven's Industrial Pretreatment Program (IPP) surcharge rates. These surcharges are imposed to allow the City to recover costs associated with treating wastewater from industrial users discharging wastewater with higher pollutant levels than typical residential sources.

BACKGROUND

Three industrial facilities are connected to the City's sewer system, and the flow from each is treated at the City's Water Reclamation Facility (WRF) #3. Each industry is permitted by the City to discharge specific wastewater volumes and pollutant levels. When these limits are exceeded, the City applies surcharges to recover the extra costs incurred to treat these higher strength wastewaters. The surcharges currently applied are divided into two categories:

- **Operational Surcharges**: Designed to cover day-to-day treatment costs (electricity, chemicals, etc.).
- **Capital Recovery Surcharges**: Established to recover long-term infrastructure investment costs. Historically based on federal grant conditions and impact fees, applied for use of unreserved treatment capacity.

KEY FINDINGS

1. Current Operational Surcharges
    - Applied to exceedances of flow, 5-day biochemical oxygen demand (BOD_5), and total suspended solids (TSS).

- Based on actual treatment costs and pollutant removal rates achieved at WRF #3.
- Existing rates:
  - Flow: $5.20 per 1,000 gallons (prior commercial sewer user rate).
  - BOD_5: $0.15 per pound.
  - TSS: $0.03 per pound.

2. Updated Operational Surcharges

- Updated rates calculated based on current (FY 2024/25) operational costs and 2024 pollutant removal efficiencies of WRF #3. Rates reflect increased treatment costs and updated pollutant removal data.
- Recommended new rates:
  - Flow: $5.93 per 1,000 gallons (current commercial sewer user rate).
  - BOD_5: $0.82 per pound.
  - TSS: $0.09 per pound.

3. New Pollutants Considered for Surcharges

The City is considering operational surcharges for additional pollutants of concern (POCs). Specifically, surcharges for total nitrogen (TN), total phosphorus (TP), fats, oils, and grease (FOG), and total dissolved solids (TDS) were evaluated. If enacted, these surcharges would provide additional protection of the quality of reclaimed water produced from WRF #3 for use as an alternative water supply.

- Possible Operational Surcharges Based on Limited Data and Assumptions:
  - TN: $0.21/pound.
  - TP: $0.76/pound.
  - FOG: $0.15/pound.
  - TDS: $0.86/pound (based on potential future disposal costs via deep injection well).

4. Capital Recovery Surcharge Review

- These surcharges were originally designed to recover federal grant-funded infrastructure costs.
- The surcharges have been modified to recover capital investment costs associated with using WRF treatment capacity more than that included in impact fees. These surcharges are a temporary lease of intermittent use of WRF capacity beyond that reserved by each industry.
- No other Florida communities currently use this surcharge model.

5. Regional Comparison

The City of Winter Haven's current operational surcharge rates are comparable with those of other Florida municipalities. Other communities do currently have operational surcharges for TN, TP, and FOG. However, no communities were identified that currently assess a surcharge for TDS. Additionally, none were identified to be imposing capital recovery surcharges.

RECOMMENDATIONS

1. **Implement updated operational surcharge rates** for flow, BOD, and TSS.
2. **Collect additional data** on TN, TP, FOG, and TDS to refine surcharge calculations.
3. **Discontinue capital recovery surcharges** to align with modern practices and simplify billing.

1 BACKGROUND

Currently, the City of Winter Haven Industrial Pretreatment Program (IPP) includes surcharge rates that are applied monthly to each permitted industrial discharger for flow and exceedances of permit-allotted levels of biochemical oxygen demand (BOD) and total suspended solids (TSS). For each parameter, separate *operating* and *capital recovery* components are assessed for each industrial discharger to the municipal sewer system.

The City requested assistance from Jones Edmunds to evaluate the City's IPP surcharge rates and develop recommendations for updating the rates. The City emphasized that updates to the surcharge rates should consider the potential for adding surcharges for additional pollutants of concern (POC) included in the City's existing Pretreatment Local Limits. In particular, the City requested that total nitrogen (TN); total phosphorus (TP); fats, oils, and grease (FOG); and total dissolved solids (TDS) be evaluated for potential surcharge rates.

2 EXISTING SURCHARGES

Industrial dischargers to the City's sewer system are issued IPP Permits that establish the volumes of flow and pollutant loadings each is allowed to discharge. The City currently applies IPP surcharges to provide an equitable mechanism for the City to recover its operational expenses associated with treating industrial wastewater discharges that exceed the permitted quantities. Surcharges are applied under two distinct categories:

- Operational Surcharges.
- Capital Recovery Surcharges.

To provide an understanding of each category, Jones Edmunds reviewed the basis for each.

2.1 OPERATIONAL SURCHARGES

The operational component of the surcharges is applied to any industry's total monthly flow and exceedances of their IPP Permit limits for 5-day biochemical oxygen demand (BOD_5) and TSS.

Flow surcharges are billed at the City's rate for commercial wastewater service. Conversely, exceedances of BOD_5 and TSS limits are assessed surcharges that are based on the City's annual operating expenses directly attributable to wastewater treatment activities at Water Reclamation Facility (WRF) #3, which receives all current industrial dischargers. Historically, the operating expenses used in the surcharge calculation have been:

- Electrical Costs

- Chemical Costs
- Sludge Hauling Costs
- IPP Program Costs

These various operational expenses are apportioned to BOD_5 and TSS removal based on engineering judgment and input from City staff. Table 2-1 shows the proportion of these expenses currently used in the City surcharge calculations.

Table 2-1 Operational Expense Allocations

Operational Cost Category	Allocation Percentage of Costs (%)	
	BOD_5	TSS
Electrical	70	5
Chemicals	90	10
Sludge Hauling	50	25
IPP Program	75	25

These allocation percentages are applied to the annual budgetary operational expenses for the operational cost categories in Table 2-1 to establish the allocated operational costs of each category for BOD_5 or TSS. The allocated operational costs by category for BOD_5 and TSS are summed to reach the total annual operational cost attributable to BOD_5 and TSS removal by WRF #3. The calculated annual operational costs are then divided by the annual pounds of BOD_5 and TSS removed by WRF #3 to establish the surcharge rate ($/pound).

Discharge Monitoring Reports (DMRs) submitted monthly by the City to the Florida Department of Environmental Protection (FDEP) are used to determine the annual removal rate of BOD_5 and TSS achieved by WRF #3. From the DMRs, the annual volume of wastewater treated by the WRF is determined and applied to the annual average removal rate achieved by the WRF for BOD_5 and TSS to calculate the annual pounds of BOD_5 and TSS removed.

The final step in calculating the operational surcharges is dividing the total operational costs for treating BOD_5 and TSS by the calculated annual pounds of BOD_5 and TSS removed by WRF #3. Table 2-2 lists the City's current operational surcharges applied to exceedances of the IPP Permits for the three industrial dischargers.

Table 2-2 Current Operational Surcharges

Parameter	Operational Surcharge
Flow	$5.20/1,000 gallons
BOD_5	$0.15/pound
TSS	$0.03/pound

2.1.1 Operational Surcharge Application

The operational surcharges for BOD_5 and TSS for each industrial discharger are applied monthly to the monthly pounds discharged by an industry that exceeds the limits established in their IPP Permit (exceedance mass). The exceedance mass for each

parameter is established using the monthly average industrial discharge concentration and subtracting from it the City's equivalent residential unit (ERU) concentration allowances for BOD_5 and TSS, which are 280 milligrams per liter (mg/L) and 225 mg/L, respectively. The resulting exceedance concentrations are then converted to monthly mass in pounds using the total monthly industrial flow. The calculation for determining exceedance mass is as follows:

- **Exceedance Mass** = (Monthly Average mg/L – City's ERU Allowance) * 8.34 * Total Monthly Flow.

The total monthly operational surcharge for each industry is calculated as the sum of the three individual operational components:

- **Monthly Surcharge** = (Monthly Flow/1,000 * $5.20) + ($BOD_5$ Exceedance Mass * $0.15/lb) + (TSS Exceedance Mass * $0.03/lb).

2.2 Capital Recovery Surcharges

The capital recovery component of the IPP surcharges appears to have its origins in City Ordinance Chapter 19 Article VII—Industrial Cost Recovery. That ordinance was passed to establish an industrial cost recovery program for industrial users of the municipal wastewater system as required by United States Public Law 92-500. Specifically, industrial users of a municipal wastewater system are required to make at least annual payments in proportion to their consumption of actual and/or reserve capacities of the federal grant-funded wastewater plant of the City during the 1980s.

Since then, the City's wastewater plants have been modified and expanded without federal grants aid and accordingly the capital recovery surcharge has been modified to recover the capital investment associated with using the treatment capacity at the WRF in excess of the amount contracted for and paid through impact fees. Jones Edmunds obtained information that detailed the current basis for the capital recovery charges developed by Hartman & Associates in 2004.

The capital recovery charges are intended as a lease for intermittent use of unreserved capacity at the WRF above the permitted capacities included in individual IPP Permits for industrial dischargers. The lease is based on amortizing the City's wastewater impact fee per ERU where the impact fee is equated to the cost per pound per day of an ERU's related BOD_5 and TSS concentrations. In 2004, the wastewater impact fee was $1,768/ERU, and an ERU represented a flow of 275 gallons per day (gpd), BOD_5 of 280 mg/L, and TSS of 225 mg/L. To express the BOD_5 and TSS as mass (pounds per day [lb/d]), each concentration was multiplied by the ERU flow expressed in MGD (0.000275) and the conversion factor of 8.34 pounds per gallon (lb/gal), resulting in a BOD_5 of 0.64 lb/d and TSS of 0.52 lb/d.

Based on these values, a unit cost for flow, BOD_5, and TSS were calculated by dividing the impact fee cost by each value. The 2004 capital recovery rates were calculated by amortizing the unit costs over 30 years at an interest rate of 5.5 percent. Table 2-3 presents these values.

Table 2-3 2004 Capital Recovery Components

Item	Unit Criteria Per ERU	Unit Cost	Capital Recovery Component
Impact Fee (investment)	$1,768	N/A	N/A
Flow	275 gpd	$6.42 per gpd	$0.03 per gpd
BOD_5	0.64 lb/d	$2,762.50 per lb/d	$15.68 per lb/d
TSS	0.52/lb/d	$3,400.00 per lb/d	$19.30 per lb/d

Notes: N/A = not applicable.

To determine the capital recovery surcharge for an industry, the capital recovery components are applied monthly to the amount that each parameter exceeds the permitted capacity in the industry's IPP Permit. To avoid over-recovery of capital costs, the capital recovery components are only charged for the criteria that uses the most additional treatment capacity. For each industry a capital recovery surcharge is calculated for flow, BOD_5, and TSS, and only the largest of these three is billed to the industry.

Since 2004, the value for the impact fee has increased, and adjustments to the ERU flow, BOD_5, and TSS equivalences have occurred. Based on these increases, the capital recovery component surcharges have also increased. Table 2-4 presents the current values.

Table 2-4 Current Capital Recovery Component Surcharges

Item	Capital Recovery Component
Flow	$0.03 per gpd
BOD_5	$21.62 per lb/d
TSS	$26.61 per lb/d

2.3 Florida Community IPP Surcharges

To provide some comparative context for the City's IPP surcharges, Jones Edmunds obtained surcharge rate information for communities in the Winter Haven area and communities throughout Florida that have active IPP Programs. Where available, surcharge rates for the POC that the City requested be considered were also obtained. Table 2-5 summarizes these surcharge rates.

Table 2-5 Comparison of Surcharge Rates for Other Florida Communities ($/lb)

Entity	BOD_5	COD	TSS	TKN	TP	FOG	TDS
Seminole County	Measured level/Permit Limit x $100				—	—	—
Palm Beach County	$0.1500	—	$0.1500	—	—	$1.4600	—
City of Sanford	—	—	—	$0.0200	$0.0600	—	—
City of Lakeland	$0.6000	—	$0.3900	$0.8700	—	—	—
Emerald Coast Utilities Authority	$0.2500	$0.2500	$0.2500	$1.7200	$2.5430		
City of Wildwood	—	$1.0800	$0.3100	—	—	—	—
Town of Davie	$0.3000	—	$0.2000	—	$0.3500	$0.9000	—
City of Hollywood	$0.2100	$0.2100	$0.2100	$0.4200	$0.4200	—	—

Entity	BOD_5	COD	TSS	TKN	TP	FOG	TDS
Pinellas County	$0.8605	—	$0.6013	—	—	—	—
City of Groveland	$0.1000	$0.1000	—	—	—	$0.1000	—
City of Bartow	$0.1400	—	$0.1800	$0.8500	—	—	—
Jacksonville Electric Authority	—	$0.0925	$0.1130	—	—	—	—
City of Clearwater	$0.3200	—	$0.3200	$0.5000	—	$1.4600	—
City of Largo	$0.2500	—	$0.2500	$0.2500	$0.2500	$0.2500	—
City of Orlando	Measured level/Permit Limit x $250				—	—	—
City of St. Petersburg	$0.0900	$0.0400	—	—	—	—	—
Town of Baldwin	$0.7800	—	$0.5700	—	—	—	—
Broward County	$0.1537	$0.1537	$0.1458	—	—	$0.1110	—
Hillsborough County	$0.1555	—	$0.1730	$0.3610	$2.2350	—	—
City of Winter Haven CURRENT	$0.1500	—	$0.0300	—	—	—	—

Notes: — = not charged; COD = chemical oxygen demand; TKN = total Kjeldahl nitrogen.

Table 2-5 shows that apparently no communities currently impose a surcharge for TDS. Also, none of the communities in Table 2-5 have any type of surcharge that is similar to the Winter Haven capital recovery surcharge system.

3 CALCULATION OF UPDATED SURCHARGES

3.1 OPERATIONAL SURCHARGES

3.1.1 CURRENT POCS

The process of updating the current operational surcharges involves updating the operating expenses used in the surcharge calculation and the removal rates for the POCs by WRF #3. For this update, Jones Edmunds obtained the operation expenses included in the current City budget for Fiscal Year (FY) 2024/2025 and used the operational DMRs for WRF #3 submitted to FDEP for each month of 2024. Table 3-1 lists the operational expenses for WRF #3.

Table 3-1 WRF #3 Operational Costs FY 2024/2025

Operational Costs Category	Budgeted Amount
Electrical	$672,792
Chemicals	$1,300,000
Sludge Hauling	$898,002
IPP Program	$40,000

These operational expenses were then apportioned to BOD_5 and TSS removal based on engineering judgment and input from City staff. Table 2-1 shows the proportion of these expenses currently used in the City surcharge calculations. Table 3-2 presents the resulting cost allocations.

Table 3-2 2024/2025 Operational Cost Allocations

Operational Cost Category	BOD_5	TSS
Electrical	$470,954.40	$33,639.60
Chemicals	$1,170,000	$130,000.00
Sludge Hauling	$449,001	$224,500.50
IPP Program	$30,000	$10,000.00
Total Annual Cost Allocation	**$2,119,955.40**	**$398,140.10**

Using the 2024 DMRs for WRF #3, the following annual pounds of BOD_5 and TSS were determined:

- BOD_5: 1,154,498 pounds.
- TSS: 4,284,182 pounds.

However, the 2024 BOD_5 data for WRF #3 demonstrated an odd pattern. Virtually all the influent BOD_5 values reported for 2024 were 66.7 mg/L or less. Such levels may be expected occasionally but not on a consistent basis. City staff and Jones Edmunds agreed that the BOD_5 influent data for WRF #3 should not be used for the surcharge calculations. Instead, we agreed to use the annual average influent BOD_5 for WRF #2 (167 mg/L) as being more representative of an influent for WRF #3.

Using this adjusted average influent BOD_5 concentration with the flow and effluent BOD_5 data for WRF #3, the following annual pounds of BOD_5 and TSS were determined for use in calculating updated operational surcharges:

- BOD_5: 2,580,678 pounds.
- TSS: 4,284,182 pounds.

The updated operational surcharges were then calculated using these annual pounds removed by WRF #3 with the total annual cost allocations from Table 3-2 and using the current commercial wastewater flow rate charge of $5.93/1,000 gallons. Table 3-3 summarizes the calculations.

Table 3-3 Updated Operational Surcharge Rate Calculations

Operational Cost Category	BOD_5	TSS	Flow
Total Annual Cost Allocation	$2,119,955.40	$398,140.10	—
lb/yr Removed	2,580,678.23	4,284,181.50	—
Calculated Surcharge Rate (Total Annual Cost Allocation per lb/yr Removed)	$0.82	$0.09	$5.93

Notes: — = not applicable.

3.1.2 Additional Parameter Surcharges

As noted previously, the City is interested in possibly establishing operational surcharges for TN, TP, FOG, and TDS. The process used for calculating surcharges for BOD_5 and TSS was used for these additional parameters with some adjustments.

Effluent data for WRF #3 are available for total nitrogen (TN) and total phosphorus (TP). However, no influent data are available for these parameters. To allow surcharge calculations to be performed, data for medium-strength domestic wastewater were used. No DMR data for influent or effluent FOG were available, but data are available from the December 2022 *Local Limits Pass Through Calculations* submitted to FDEP as part of the City's Local Limits Technical Reevaluation. No DMR data regarding influent or effluent TDS levels are available, but data are available from a 6-week study conducted for the City by Chastain Skillman in 2024.

Table 3-4 summarizes the data used for calculating surcharges for these additional parameters. The annual pounds removed are calculated based on the total flow treated by WRF #3 in 2024.

Table 3-4 Additional Parameter Removal Calculation Summary

Parameter	Influent (mg/L)	Effluent (mg/L)	Amount Removed (mg/L)	Annual Pounds Removed
TN	40.0	2.62	37.38	579,845
TP	7.0	0.30	6.70	103,913
FOG	84.0	0.67	83.33	1,292,715
TDS	501	409	92	467,930

The operational expenses in Table 3-1 originally apportioned to BOD_5 and TSS removal were adjusted to account for TN, TP, and FOG removal by WRF #3. Table 3-5 shows any previously unapportioned operational costs apportioned to TN, TP, and FOG. Section 3.1.2.1 discusses calculations related to TDS.

Applying Table 3-5 cost allocations to the operational costs from Table 3-1 results in the total operational costs by parameter. Table 3-6 presents these costs.

Table 3-5 Operational Expense Allocations – Additional Parameters

Operational Cost Category	Allocation Percentage of Costs				
	BOD_5	TSS	TN	TP	FOG
Electrical	70	5	5	5	15
Chemicals	90	10	—	—	—
Sludge Hauling	50	25	10	5	10
IPP Program	75	25	—	—	—

Table 3-6 2024/2025 Operational Cost Allocations

Operational Cost Category	BOD_5	TSS	TN	TP	FOG
Electrical	$470,954.40	$33,639.60	$33,639.60	$33,639.60	$100,918.80
Chemicals	$1,170,000	$130,000.00	$0.00	$0.00	$0.00
Sludge Hauling	$449,001	$224,500.50	$89,800.20	$44,900.10	$89,800.20
IPP Program	$30,000	$10,000.00	$0.00	$0.00	$0.00

Operational Cost Category	BOD_5	TSS	TN	TP	FOG
Total Annual Cost Allocation	$2,119,955.40	$398,140.10	$123,439.80	$78,539.70	$190,719.00

To establish operational surcharges, the total cost allocations by parameter from Table 3-6 are divided by the annual pounds removed from Table 3-4. Table 3-7 presents the resulting operational surcharges.

Table 3-7 Updated Operational Surcharges

Parameter	BOD_5[1]	TSS	TN[2]	TP[3]	FOG[4]
Operational Surcharge ($/lb)	$0.82	$0.09	$0.21	$0.76	$0.15

Notes:

[1] BOD_5 surcharge calculated assuming WRF #3 Influent BOD =167 mg/L.

[2] TN removal based on an assumed WRF #3 influent of 40 mg/L.

[3] TP removal based on an assumed WRF #3 influent of 7 mg/L.

[4] FOG removal based on data used in Local Limits Calculation from April 2022.

3.1.2.1 TDS Surcharge Methodology

- The principle purpose for establishing a TDS surcharge is to provide a means to protect the water quality of reclaimed water produced by WRF #3 for its use as part of the City's *One Water* initiative to create alternative water supplies (AWS). Currently, no operational costs are associated with treating TDS because removing TDS requires treatment technologies not available at WRF #3. Removing TDS at WRF #3 is essentially related to dilution resulting from recycle flows (i.e., return-activated sludge, plant water, etc.).
- To establish a cost basis to use for calculating a potential TDS surcharge, we assumed that the City may eventually need to install a deep injection well (DIW). A DIW would provide a means to dispose of high-TDS reclaimed water that does not comply with the TDS secondary drinking water-quality standard if the reclaimed water is used as part of a comprehensive AWS.
- Taking this approach, a TDS surcharge should be based on the annual operating cost solely associated with a DIW. The annual operating cost for DIWs in Florida ranges from $300,000 to more than $1,000,000 depending on several site-specific and operational factors[1]. Given the variability of potential costs, we conservatively assumed that the DIW operation would be $400,000 annually.

[1] *Wastewater Deep Injection Wells for Wastewater Disposal – Industries Tap a Unique Resource.* SCS Engineers. In Waste Advantage Magazine, May 2018.

- Using this annual cost and the annual pounds of TDS removed by WRF #3 (Table 3-4), a potential surcharge for TDS can be calculated. The resulting TDS surcharge would be $0.86/lb.

3.2 Capital Recovery Surcharges

As previously discussed, capital recovery charges are intended as a lease for intermittent use of unreserved capacity at the WRF above the permitted capacities included in individual IPP Permits for industrial dischargers. The lease is based on amortizing the City's wastewater impact fee per ERU with the impact fee equated to cost per pound per day of an ERU's related BOD_5 and TSS concentrations.

The current wastewater impact fee is $7,000/ERU, and an ERU represented a flow of 250 gpd, BOD_5 of 280 mg/L, and TSS of 225 mg/L. To express the BOD_5 and TSS as mass (lb/d), each concentration is multiplied by the ERU flow expressed in MGD (0.00025) and the conversion factor of 8.34 lb/gal, resulting in BOD_5 of 0.58 lb/d and TSS of 0.47 lb/d.

Based on these values, a unit cost for flow, BOD_5, and TSS were calculated by dividing the impact fee cost by each value. The updated capital recovery rates were calculated by amortizing the unit costs over 30 years at an interest rate of 4.5 percent, which represents the current municipal bond rate. Table 3-8 summarizes the updated capital recovery values.

Table 3-8 Updated Capital Recovery Components

Item	Unit Criteria Per ERU	Unit Cost	Capital Recovery Component
Impact Fee (investment)	$7,000	N/A	N/A
Flow	250 gpd	$28.00 per gpd	$0.14 per gpd
BOD_5	0.58 lb/d	$11,990.41 per lb/d	$61.34 per lb/d
TSS	0.47/lb/d	$14,921.40 per lb/d	$76.34 per lb/d

The updated capital recovery components represent significant increases over the current rates. Table 3-9 compares the current and updated capital recovery values.

Table 3-9 shows the magnitude of the updated capital recovery values represent increases over current rates ranging from 184 to 258 percent. If implemented, these increases would have significant impacts to the total surcharges charged monthly to the industries covered under the IPP.

Table 3-9 Comparison of Capital Recovery Components

Parameter	Current Capital Recovery Values	Updated Capital Recovery Values	Potential Increase ($/month)	Percent Increase %
Flow	$0.04 per gpd	$0.14 per gpd	$0.10	258
BOD5	$21.62 per lb/d	$61.34 per lb/d	$39.72	184
TSS	$26.61 per lb/d	$76.34 per lb/d	$49.73	187

4 RECOMMENDATIONS

Based on our evaluation of the existing surcharges and the calculations conducted for upgrades to the surcharges, Jones Edmunds has the following recommendations for the City.

4.1 OPERATIONAL SURCHARGES

The current commercial sewer rate and level of operational costs for WRF #3 support the updated operational surcharges for flow, BOD_5, and TSS. Jones Edmunds recommends that the City proceed with implementing the following updated operational surcharges:

- Flow: $5.93/1,000 gallons.
- BOD_5: $0.82/pound.
- TSS: $0.09/pound.

4.2 ADDITIONAL DATA COLLECTION

As part of this surcharge evaluation, operational surcharges for TN, TP, FOG, and TDS were calculated based on limited data or assumptions of typical influent levels for these parameters where no influent data were available. To fully support the surcharges developed for these parameters, the following additional sampling should be conducted and the data used to refine the surcharge calculations for these parameters:

- 6 months of weekly influent sampling at WRF #3 for influent TN, TP, FOG, and TDS.
- 6 months of weekly effluent sampling at WRF #3 for effluent FOG and TDS.

4.3 DISCONTINUE THE CAPITAL RECOVERY SURCHARGE

A review of IPP surcharges for communities throughout Florida found none that currently apply capital recovery surcharges. The original basis for the capital recovery surcharges was to recover costs associated with the federal Clean Water Act grants received to pay for the City's WRFs. Specifically, these grant conditions for cost recovery outlined in City Ordinance Section 19 Article VII, *Industrial Cost Recovery*, are outdated and no longer applicable.

PLEASE RETURN TO:
THIS INSTRUMENT PREPARED BY:

Frederick J. Murphy, Jr., Esquire
Boswell & Dunlap LLP
245 South Central Avenue
Bartow, Florida 33830
Post Office Drawer 30
Bartow, Florida 33831
(863) 533-7117

OFFICE BOX

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BK 06984 PGS 2268-2272 PG(s)5
RECORDED 09/27/2006 10:18:39 AM
RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
RECORDING FEES 44.00
RECORDED BY J Harrison

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this 21st day of September, 2006, between the **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,** an administrative agency of the United States of America, whose mailing address is 61 Forsyth Street S.W., Atlanta, Georgia 30303, First Party; and the **CITY OF WINTER HAVEN, FLORIDA**, a Florida municipal corporation, whose mailing address is 451 Third Street N.W., Winter Haven, Florida 33881, Second Party;

WITNESSETH, that for the sum of ten dollars ($10.00), the receipt of which is hereby acknowledged, the said First Party does hereby remise, release and quitclaim unto the said Second Party forever, all the right, title, interest, claim and demand which the said First Party has in and to the lot, piece or parcel of land, situate, lying and being in the County of Polk, State of Florida as described further on the attached Exhibit 'A'.

This Quit Claim Deed is given to fully release those special conditions contained in those Warranty Deeds dated April 1, 1975, and recorded in O.R. Book 1642, Pages 320 through 321, and re-recorded in O.R. Book 2437, Pages 0686 through 0687; and dated June 3, 1975, and recorded in O.R. Book 1645, Pages 855 through 856, and re-recorded in O.R. Book 2437, Pages 0688 through 0689, and any other conditions that may be contained in EPA Grant # C-120459-010, and that may be recorded in the Public Records of Polk County, Florida.

TO HAVE AND TO HOLD the same together with all singular the appurtenances thereunto belonging to or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said First Party, either in law or equity, to the only proper use, benefit and behoof of the said Second Party forever.

IN WITNESS WHEREOF, the said First Party has placed its hand and seal the day and year above written.

Signed, sealed and delivered in our presence:

Printed Name: Leif Palmer

Printed Name: Doug Chesney

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____
J. I. Palmer, Jr.
Regional Administrator

(Corporate Seal)

STATE OF GEORGIA
COUNTY OF FULTON

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me by **J. I. Palmer, Jr.**, of the **UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**, on behalf of the agency, and the United States of America, as its **Regional Administrator**.

WITNESS my hand and official seal in the County and State last aforesaid this 21st day of September, 2006.

(Notarial Seal)

Susan Paulina Capel
Notary Public, State of Georgia
Name: Susan Paulina Capel
Commission No:
My Commission Expires: Aug 2, 2010

EXHIBIT "A"

The N 1/2 less the West 1320 feet thereof and the N 1/4 of the S 1/2 less the West 1320 feet thereof in Section 27, Township 29 South, Range 26 East, Polk County, Florida,

and

All that part of the N 1/2 and the N 1/4 of the S 1/2 of Section 26, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way, less and except the South 120 feet of said N 1/4 of the S 1/2, Less and Except: Beginning at the Southeast corner of said Section 26, thence run North 0° 25' 09" West, along the East boundary of said Section, 102.03 feet to the point of intersection of said East boundary with the Southwesterly right-of-way line of Seaboard Coast Line Railroad, thence run North 36° 50' 42" West, along said Southwesterly right-of-way line, 3184.52 feet to the North boundary of the SE 1/4 of Section 26, North 89° 44' 23" East, 771.62 feet from the Northwest corner of said SE 1/4, thence South 89° 44' 23" West, 217.94 feet, thence South 36° 50' 42" East, parallel to said Southwesterly right-of-way line, 879.82 feet, thence East 217.94 feet, more or less, to the Westerly right-of-way line of said Seaboard Coast Line Railroad, thence Northwesterly along said right-of-way to the point of beginning.

and

The S 1/2 of Section 22, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way.

and

The East 1980 feet of the N 1/2 of Section 22, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way.

and

That part of the SW 1/4 of Section 23, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way.

and

The West 1960 feet of the N 1/2 and the West 1960 feet of the N 1/4 of the S 1/2 of Section 27, Township 29 South, Range 26 East, Polk County, Florida.

and

The E 1/4 of the E 1/2 of Section 28, Township 29 South, Range 26 East, lying North of the Peace Creek Drainage Canal.

ALSO DESCRIBED AS:

DESCRIPTION:

(PARCEL RECORDED IN O.R. BOOK 1642, PAGE 920 AND O.R. BOOK 2437, PAGE 686)

The N ½ less the West 1828 feet thereof and the N 1/4 of the S ½ less the West 1828 feet thereof in Section 27, Township 29 South, Range 26 East, Polk County, Florida.

and

All that part of the N ½ and the N 1/4 of the S ½ of Section 26, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way, less and except the South 120 feet of said N 1/4 of the S ½, Less and Except: Beginning at the Southeast corner of said Section 26, thence run North 0°25'09" West, along the East boundary of said Section, 102.03 feet to the point of intersection of said East boundary with the Southwesterly right-of-way line of Seaboard Coast Line Railroad, thence run North 36°50'42" West, along said Southwesterly right-of-way line, 3184.52 feet to the North boundary of the SE 1/4 of Section 26, North 89°44'23" East, 771.62 feet from the Northwest corner of said SE 1/4, thence South 89°44'23" West, 217.94 feet, thence South 36°50'42" East, parallel to said Southwesterly right-of-way line, 679.82 feet, thence East 217.94 feet, more or less, to the Westerly right-of-way line of said Seaboard Coast Line Railroad, thence Northwesterly along said right-of-way to the point of beginning.

AND

(PARCEL RECORDED IN O.R. BOOK 1645, PAGE 855, AND O.R. BOOK 2437, PAGE 688)

The S ½ of Section 22, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way.

and

The East 1980 feet of the N ½ of Section 22, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way.

and

That part of the SW 1/4 of Section 23, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coast Line Railroad right-of-way.

and

The West 1960 feet of the N ½ and the West 1960 feet of the N 1/4 of the S ½ of Section 27, Township 29 South, Range 26 East, Polk County, Florida, **Less and Except the East 132 feet thereof**.

and

The E 1/4 of the E ½ of Section 28 Township 29 South, Range 26 East, lying North of the Peace Creek Drainage Canal.

AND

(PARCEL RECORDED IN O.R. BOOK 1652, PAGE 1713)

All that part of Section 15, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coastline Railroad right of way, less the South 1/4 of the NW 1/4 of the SW 1/4 and less the NW 1/4 of the SW 1/4 of the SW 1/4 thereof.

and

The East 2,300 feet of the ~~**Southeast ½ of the South ½**~~ **Southeast 1/4** of Section 21, Township 29 South, Range 26 East, Polk County, Florida, **lying South of WAHNETA FARMS SUBDIVISION recorded in Plat Book 1, Page 82 of the public records of Polk County, Florida** also described as: Commence at a point 2702.49 feet North 00°00'49" East of the Southeast corner of Section 21, Township 29 South, Range 26 East **at the southeast corner of aforesaid WAHNETA FARMS SUBDIVISION** for a Point of Beginning; run thence South to Southeast corner of Section 21, thence South 89°10'32" East **along the south line of aforesaid Southeast 1/4 of Section 21,** a distance of 2300.00 feet; thence North 00°00'49" East **along the west line of the East 2300 feet of aforesaid Southeast 1/4,** a distance of 1548.65 feet **to the south line of aforesaid WAHNETA FARMS SUBDIVISION**; thence North 63°39'36" East **along said south line** to the Point of Beginning.

and

All that part of the North ½ of Section 22, Township 29 South, Range 26 East, Polk County, Florida, lying South and West of the Seaboard Coastline Railroad right-of-way, less the East 1980 feet thereof.

and

The East 2300 feet of the East ½ of the North 3/4 of Section 28, Township 29 South, Range 26 East, Polk County, Florida, less the East 1/4 of said East ½ of the North 3/4 thereof.

and

Lots 210, 211, 229, 230, 233, 274 and 275 of Wahneta Farms, a subdivision recorded in Plat Book 1, Pages 82A and 82B, Public Records of Polk County, Florida.

AND

(PARCEL RECORDED IN O.R. BOOK 3430, PAGE 1043)

The South ½ of the South ½ of the NW 1/4 of the SW 1/4 of Section 15, Township 29 South, Range 26 East, Polk County, Florida.

AND

(PARCEL RECORDED IN O.R. BOOK 5054, PAGE 881)

BEGIN AT THE NE CORNER OF THE N.E. 1/4 OF SECTION 21, TOWNSHIP 29 SOUTH, RANGE 26 EAST, ALSO BEING THE NE CORNER OF LOT 207, Wahneta FARMS SUBDIVISION, AS RECORDED IN P.B. 1, PAGE 82A, AND 82B, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN WEST ALONG THE NORTH LINE OF LOT 207, ALSO BEING THE SOUTH LINE OF 4TH STREET EAST A DISTANCE OF 450 FEET, THENCE RUN SOUTH A DISTANCE OF 650 FEET, MORE OR LESS TO THE SOUTH LINE OF LOT 208, THENCE RUN EAST, 450 FEET TO THE EAST LINE OF LOT 208, THENCE RUN NORTH, 650 FEET ALONG THE EAST LINES OF LOT 208 AND 207 TO THE POINT OF BEGINNING, ALSO BEING DESCRIBED AS THE EAST 450 FEET OF LOTS 207 AND 208, WAHNETA FARMS SUBDIVISION, LESS ROAD RIGHT-OF-WAY FOR 4TH STREET.

TOGETHER WITH:

The South ½ of aforesaid Section 27, Township 29 South, Range 26 East, Polk County, Florida, less the North 1/4 thereof.

LESS AND EXCEPT:

(PARCEL RECORDED IN O.R. BOOK 1684, PAGE 1012)

The North 52.5 feet of the Southwest 1/4 of the Southwest 1/4 of Southwest 1/4 of Section 15, Township 29 South, Range 26 East, Polk County, Florida, less the West 50 feet thereof for road Right-of-Way.

ALL LYING NORTH OF THE FOLLOWING DESCRIBED LINE:

COMMENCE at the southwest corner of Section 27, Township 29 South, Range 26 East, Polk County, Florida; thence North 00°23'01" West, along the west line of said Section 27, a distance of 1291.01 feet to a 5/8 inch iron rod and cap marked LB5450 and the POINT OF BEGINNING; thence North 89°23'25" East, 3041.82 feet to a 5/8 inch iron rod and cap marked LB5450; thence North 41°25'19" East, 743.23 to a 5/8 inch iron rod and cap marked LB5450; thence North 07°32'15" East, 615.32 feet to a 5/8 inch iron rod and cap marked LB5450; thence South 89°59'02" East, 1415.08 feet to a 5/8 inch iron rod and cap marked LB5450; thence North 89°43'15" East, 1658.38 feet to a 5/8 inch iron rod and cap marked LB5450; thence North 89°35'46" East, 1963.27 feet to the west line of a parcel recorded in Official Records Book 712, Page 155, public records of Polk County, Florida and the POINT OF TERMINUS.

DATE: July 30, 2026

TO: Honorable Mayor and City Commissioners

VIA: T. Michael Stavres, City Manager
M.J. Carnevale, Deputy City Manager

FROM: Brittany Hart, Public Works Director
Todd Gooding, Assistant Public Works Director
Tyler Williams, Capital Projects & Special Initiatives Manager

SUBJECT: Kimley-Horn Design Services for 8th Street NW and Avenue L NW Complete Street Project

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BACKGROUND

On January 23, 2023, The City Commission adopted Resolution R-23-05 supporting the submission of a Transportation Alternative Project Grant application to the Polk Transportation Planning Organization (TPO) and to the Florida Department of Transportation (FDOT) for funding to reconstruct and complete a 3,300 foot segment of 8th Street NW and Avenue L NW from North Lake Howard Drive to 6th Street NW (US Highway 17). The project will include adding pedestrian infastructure on both sides of the roadway exemplifying efforts to identify and fill sidewalk gaps within City limits. Additional improvements include intersections improvements at 8th Street NW/Howard Terrance and 8th Street NW/Avenue L NW, traffic calming as well as roadway resurfacing and minor drainage improvements that may be necessary within the project limits.

FDOT awarded a $1,256,720 grant to the City for the purpose of funding the construction of these improvements and construction is anticipated in Fiscal Year 2028. The City is required to fund the project's design and any construction costs exceeding $1,256,720. The preliminary estimated project cost is $1,800,000.

Kimley-Horn and Associates, Inc. a firm under the City's continuing professional services contract (RFQ-20-01) has prepared a scope for the design of this project. A construction cost estimate will be prepared by Kimley-Horn during the design phase of the project, and construction is not anticipated to exceed the $7,500,000 CCNA threshold. Staff has worked with Kimley-Horn to produce a consulting engineering agreement proposal that includes the following general services:

- Survey work
- Geotechnical work

- Attendance at Monthly Progress Meetings
- Permitting Assistance
- Preparation of 30%, 60%, 90%, and 100% design plans for submittal to FDOT
- Preparation of construction bidding documents

The design timeline aligns with the agreement with FDOT, with final approved plans anticipated by Fall 2027.

FINANCIAL IMPACT

Kimley-Horn's lump-sum fee for the design services is $390,584. A total of $285,000 has been budgeted in the Transportation Fund for this effort in FY 2025/2026. The remaining $105,584 will be funded through available cost savings within the Transportation Fund for Professional Services Engineering.

STRATEGIC PLAN ALIGNMENT

- **Pillar**: Infastructure
- **Goal**: 3.2 - Take a comprehensive approach to transportation planning and maintenance of transportation assets.
- **Strategy**: 3.2.5 - Improve pedestrian network with a multi-year plan for expansion, filling of gaps, and maintenance.

RECOMMENDATION

Staff recommends the City Commission approve the Task Order with Kimley-Horn and Associates and authorize the City Manager or his designee to execute the Task Order, issue a purchase order, and take all other actions necessary and incidental thereto, to complete the design phase of 8th Street NW and Avenue L NW Complete Street Project

ATTACHMENT

- Kimley-Horn – Task Order for design work for 8th Street NW and Avenue L NW Complete Street Project

CONSULTING ENGINEERING AGREEMENT FOR:
8th Street NW and Ave L NW Complete Street Project

PURPOSE

Kimley-Horn and Associates, Inc. ("Kimley-Horn" or "the Consultant") is pleased to submit this scope of services to the City of Winter Haven ("the Client" or "the City") in accordance with the terms and conditions of RFQ #20-01 pursuant to Master Continuing Professional Services Agreement dated March 20, 2020 as set forth herein for engineering services for roadway improvements along 8th Street NW and Ave L NW. Our project understanding, scope of services, and fees are described below.

The purpose of this document is to describe the scope of work and the responsibilities of Kimley-Horn and Associates, Inc. (Kimley-Horn) the City of Winter Haven (CITY), for the preparation of construction documents for complete street design enhancements for 8th Street NW and Ave L NW for the CITY. Improvements will focus on enhancing pedestrian facilities, improving bicycle accommodations, providing safer crossings, and optimizing roadway safety to support multimodal mobility along the corridor.

The limits of the improvements are identified below:

- 8th Street NW from South Lake Howard Drive to Mirror Terrace NW (Approximately 2600 LF)
- Avenue L NW from 8th Street NW to east of St Paul's Church (Approximately 650 LF)
- The total length of improvements along 8th Street NW and Avenue L is approximately 3250 LF.



SCOPE OF SERVICES

Task 1 – Complete Street Design Improvements

Kimley-Horn will prepare a set of construction documents as described below. This scope of work consists of roadway, drainage, sidewalk, landscaping, utility coordination, and signing and marking design needed to prepare a set of complete street construction documents.

Typical sections will be developed along 8th Street NW and Avenue L NW with the goal of reappropriating existing travel lanes to better utilize the available right-of-way for sidewalks and traffic calming features. Measures such as chicanes (horizontal deflections) and curb extensions (bulbouts) will be incorporated where feasible to encourage reduced travel speeds along the corridor. In addition, the intersection of 8th Street NW and Howard Terrace will be reconfigured to improve safety and traffic operations. Two options at this intersection will be provided for the City's consideration, one of which will be a roundabout. All proposed improvements will be designed within the existing right-of-way unless otherwise approved in writing by the City. A conceptual layout will be submitted to the City for review and approval prior to the 60% design submittal.

A. General/Project Administration

Project administration activities will be undertaken throughout the project duration and will consist of the following:

1. Project Setup: Kimley-Horn will establish project files, project work plan, scheduling, and initiation of our accounting system.

2. Kick-off Meeting: Kimley-Horn will participate in a kick-off meeting with the CITY and the project team to review the project scope, schedule, and coordination requirements.

3. Monthly Progress Meetings: Kimley-Horn will have monthly phone conferences with the CITY to review the progress of work, to conduct project reviews and to coordinate the disposition of existing utilities. Kimley-Horn will maintain the project schedule and review/update the schedule at each progress meeting. Five (5) monthly meetings are budgeted for this project.

4. Progress Reports and Invoices: Kimley-Horn will prepare a brief monthly progress report summarizing work completed during the billing period to be submitted with the monthly invoice.

5. Public Meeting: Kimley-Horn will prepare for and attend one (1) public meeting with the CITY following the 60% submittal to present the proposed improvements.

6. Coordination with adjacent businesses and residences.

B. Concept Evaluation

Prior to submitting 60% construction documents, at about the 30% phase, Kimley-Horn will submit design concepts for the City's use in determining the ultimate traffic calming configuration to be implemented. Additionally, Kimley-Horn will prepare two concept layouts for the intersection of 8th St. NW and Howard Terrace NW based on input from the City and will convey these concepts for the City's review. It is anticipated that one of these concepts will evaluate the feasibility of a roundabout. Once the concept is approved by the City, this concept will be moved forward to the 60% design phase where additional details will be developed for advancement into construction.

From the design perspective, the design effort assumes that standard intersection improvements will be made at the intersection of 8th St. NW and Howard Terrace NW. If during the concept development phase the City decides to design a roundabout at this location, this additional design effort will require an amendment to incorporate the design of a roundabout.

C. Complete Street Construction Documents

Kimley-Horn will prepare Complete Street construction documents on 11"x17" sheets depicting the needed Complete Street improvements. The Complete Street improvement design plans will consist of the following sheets:

1. **Key Sheet**
2. **Typical Sections** – Typical Complete Street sections will be developed for critical areas, as necessary. Two (2) typical sections are anticipated, one for 8th Street NW and another for Avenue L NW. The proposed pavement design will be identified on the roadway typical sections.
3. **General Notes** – General project notes and applicable design criteria for construction of the proposed improvements.
4. **Roadway Plan Sheets** – The plan sheets will illustrate the horizontal layout of the roadway improvements including milling and resurfacing limits, curb and gutter installation, sidewalk, driveway connections, drainage structures (if needed), and other roadway features necessary for construction.
5. **Traffic Calming Concepts** – Kimley-Horn will assess the existing corridor characteristics and develop up to three (3) traffic calming alternative solutions. Each traffic calming alternative is to be completed to a level necessary to provide a preliminary engineer's opinion of probable construction costs for the City's use in determining the preferred alternative.
6. **Driveway Details** – Where necessary, driveway detail sheets will include information depicting the limits of driveway reconstruction, and grading information for accommodation of existing residential and commercial driveway connections.
7. **Roadway Cross Sections** – Cross sections will include information depicting the limits of reconstruction and other information. It is anticipated that a minimum of 33 sections will be provided, one every 100 ft. of linear roadway.

8. **Traffic Control Plan** – Kimley-Horn will design a safe and effective (Level I) Traffic Control Plan, consisting of notes and details, to move vehicular and pedestrian traffic during construction.

   Maintenance of Traffic requirements for the construction of this project will be provided through the use of typical sections, plans, general notes and reference to the appropriate FDOT Design Standards (600 Series). In addition, a conceptual MOT phasing plan depicting detour routes and phase segments of pavement lane closures and traffic shifts will be prepared.

9. **Erosion Control Plans** – Erosion control plans will be prepared depicting site specific erosion control measures, as well as general notes, details, and quantities for additional erosion control measures that may be needed depending on site conditions. It is anticipated that the preparation of a Stormwater Pollution Prevention Plan (SWPPP) will not be required.

10. **Utility Adjustment Plans** – Based on information provided by the various utility providers in the corridor, proposed utility adjustments will be detailed in plan view on these sheets, as necessary.

11. **Submittals –** Prior to submitting 60% construction documents (at approximately 30% design), Kimley-Horn will submit design concepts for the City's use in determining the ultimate traffic calming configuration to be implemented. Kimley-Horn will submit up to five (5) copies of the Complete Street construction documents at 60%, 90% and 100% completion stage to the CITY for review and comment. In addition, Kimley-Horn will submit two (2) copies of the roadway plans at 60%, 90% stages to affected utility companies, as necessary. An Opinion of Probable Construction (OPC) cost will be submitted with each submittal for the City's review and comment. An electronic copy will also be provided at each phase submittal.

D. Utility Coordination

Kimley-Horn will coordinate the proposed design with the affected utility companies within the project limits in order to minimize utility conflicts. The individual utility owners will locate/designate their existing utilities within the project limits.

Each utility provider will be responsible for the design of their respective utilities for this project. These designs will be provided to Kimley-Horn by the utility provider in CADD format for inclusion into the improvement plans for this project. Kimley-Horn will be responsible for coordinating with the utility providers for the proposed construction elements such that utility conflicts are minimized or avoided.

Kimley-Horn will provide electronic PDF files of plans to the utility owners at the 60%, 90% and 100% submittals. Kimley-Horn cannot be responsible for the accuracy of the CADD files after they are provided to the Utility owners, if requested. Kimley-Horn will coordinate with the Utility Owner Agencies throughout design to determine location and depth of the underground utilities. Kimley-Horn will prepare for and attend one (1) utility coordination meeting.

E. Signing and Marking Plans

Signing and pavement marking plan sheets, details, and General Notes sheet will be provided in accordance with City and MUTCD standards.

The plan set will include the following sheets but will not be prepared as a component set of plans:

1. Notes and tabulation of quantities
2. Signing and Pavement Marking plans

F. Landscape and Irrigation Plans

Kimley-Horn will prepare landscape architecture construction documents consisting of:

Tree Mitigation Plan: Kimley-Horn will prepare a tree mitigation plan depicting the diameter at breast height (DBH) measurements, species identification, and locations of existing trees and palms on the subject project. The tree mitigation plan will include mitigation calculations and proposed mitigation techniques limited to tree protection fencing and root pruning limits. Locations of existing trees will be based upon the surveyed conditions provided by Kimley-Horn's surveyor. Tree Mitigation plans will be submitted as part of the complete streets plan submittal package and will be revised up to one (1) time per Client and/or agency comments. This task does not include the preparation of an arborist report but may be provided as an additional service.

Landscape Plan: Kimley-Horn will provide a landscape plan consisting of a detailed layout of proposed plantings with a plant list identifying species, quantities, sizes, locations, spacing, details, and installation notes. The landscape plan will also identify trees to be preserved and replaced as determined by city code. Landscape plans will be submitted as part of the complete streets plan submittal package at 60% and 90% and will be revised up to one (1) time per Client and/or agency comments. The intent of this task is to provide landscape plantings in areas where traffic calming measures such as chicanes or bulbouts are proposed. This task does not include the preparation of irrigation plans. Irrigation plans may be provided as an additional service.

Documents prepared under this task will be of sufficient detail for bidding, and implementation purposes. Details will describe materials, quality and performance criteria. These documents will be submitted to the City for review at approximately the 60% stage. Comments received at the 60% stage will be incorporated into the final 100% bid documents.

G. Surveying

The ENGINEER will subcontract with a registered professional land surveyor ("LAND SURVEYOR") to provide surveying services as described below:

1. *Survey Control Horizontal/Vertical:* The LAND SURVEYOR will establish horizontal and vertical control on the proposed corridor and set 2 benchmarks and control points along said route using state plane coordinate (NAVD88) system, as specified by the design.
2. *Records Research:* The LAND SURVEYOR will obtain information from the Polk County Property Appraiser's Office, Polk County Clerk of Courts, FDOT, and Bureau of Land Management to acquire record evidence of parcel ownership, existing right-of-way limits for 8th St NW and Avenue

L NW and intersecting roadways, certified corner records and horizontal and vertical control and shown on a plan sheet file and in CADD.

3. *Base Map Digital Control File:* The LAND SURVEYOR will create a master horizontal control file to be utilized throughout the planning and design of the roadway alignment. This map will include the location of the existing right-of-way lines for those portions of intersecting roadways that fall within the project limits. These right-of-way lines together with the boundary lines and controlling monuments for the ownership entities will serve as the base geometry for the project.

4. *Route Survey and Topography:* The LAND SURVEYOR will obtain cross-section elevations at 100-foot intervals along the route and extend a distance of 10 feet beyond the respective right of way line. Above ground improvements, including trees larger than 6" lying within 10 feet either side of the existing right-of-way line will be located. Surface evidence of underground utilities, including valves and manholes, will be located. Invert elevations and pipe sizes will be obtained on all structures along the proposed route.

H. Geotechnical Explorations

Kimley-Horn will subcontract with a geotechnical subconsultant ("Geo-Tech") to provide geotechnical investigations for the project.

Geo-Tech's scope of services for this project will consist of the following:

1. Six (6) Pavement cores spaced every 650 ft. along corridor.

2. Six (6) soil borings to depths of five (5) feet below existing grade in the existing roadway right-of-way. Soil borings will be performed on 325 foot centers in alternating sides of the roadway.

Samples will be recovered from the roadway soil borings per ASTM standards and returned to the laboratory for visual classification per the AASHTO Classification Group System. A report will be issued, to the City and EOR, presenting the findings, evaluations and recommendations to aid in the design of the proposed roadway improvements.

Task 2 – Complete Street Permitting and Bid Assistance

A. Permitting Assistance

Kimley-Horn will prepare and submit the following permit applications:

1. Southwest Florida Water Management District Environmental Resource Permit (Exemption) – One (1) exemption letter request will be prepared accounting for the revised conditions proposed by the proposed improvements. A letter of exemption is anticipated for the project given the overall proposed safety improvement for the project and the fact that additional roadway capacity is not being added to the facility. Permitting services beyond the requirements for a letter mod as required by the SWFWMD will be considered additional services. Kimley-Horn will attend one (1) pre-application meeting with SWFWMD to verify permitting requirements and procedures.

2. It is anticipated that all proposed improvements will be outside of FDOT right of way and no permit through FDOT will be required. Any permitting through FDOT will be considered additional services.

B. Bid Documents and Assistance

This scope of services consists of the necessary design services to prepare the Project for competitive bidding by construction contractors. It specifically does not include Construction Engineering Inspection (CEI) services or geotechnical materials testing during construction of the project. It is anticipated that a separate AGREEMENT for those services will be prepared at a future date, if requested.

Bidding Assistance

1. *Bid Document Preparation and Contractor Notification*. The ENGINEER will prepare and assemble construction bidding documents, including specifications for the subject Work and the construction contract, based on "Standard General Conditions of the Construction Contract" (EJCDC No. C-700, 2002 edition) prepared by the Joint Contract Documents Committee. The ENGINEER will coordinate with City of Winter Haven Purchasing staff to support the issuance of bid packages for the submittal of quotations to perform the work and conduct one (1) pre-bid meeting with potential bidders. The ENGINEER will tabulate the bids received and evaluate the compliance of the bids received with the bidding documents. The ENGINEER will prepare a written summary of this tabulation and evaluation and attend one (1) Selection Committee meeting with representatives from City of Winter Haven to discuss selection of the successful contractor.

PROVISIONS FOR WORK

A. Governing Regulations

The services performed by Kimley-Horn will be in compliance with all applicable CITY and FDOT Standards Guidelines. The current edition, including updates, of the following References and Guidelines will be used in the performance of this work.

1. FDOT Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, Green Book.
2. AASHTO's "A Policy on Geometric Design of Highways and Streets".
3. FDOT Design Standards.
4. FDOT Standard Specifications for Road and Bridge Construction.
5. Florida Manual on Uniform Traffic Studies (MUTS).
6. Manual on Uniform Traffic Control Devices (MUTCD).
7. AASHTO Guide for Bicycle Facilities Design.
8. SWFWMD ERP guidelines.

ADDITIONAL SERVICES

A. Payment for Additional Services

Any professional services not specifically listed in the above Scope of Services are not included in the contracted fees. Should the CITY desire any services beyond those specified, Kimley-Horn will prepare a fee, scope and schedule for the work at the time the services are requested.

SCHEDULE

Kimley-Horn will provide the above Scope of Services as expeditiously as possible to meet a mutually agreed upon schedule. A project schedule will be developed and discussed at the first progress meeting. The project schedule will be maintained throughout the performance of the scope of services. We anticipate the project design to be approximately 10 months subject to FDOT's plans review schedule.

FEE

Kimley-Horn will perform the services described in Tasks 1 through 2 of the Scope of Services for the Lump Sum fees listed below. In addition to the lump sum fee, a time and material task (totaling $10,000.00) has been included to provide for additional design services that may become necessary due to deviations in assumptions made during project scoping process. A breakdown by Task is provided below.

Task	Description	Fee
1	Complete Street Design Improvements	
1.A	General / Project Administration	Lump Sum: $43,000
1.B	Concept Evaluation	Lump Sum: $26,500
1.C	Complete Street Construction Documents	Lump Sum: $195,000
1.D	Utility Coordination	Lump Sum: $13,500
1.E	Signing and Marking Plans	Lump Sum: $25,000
1.F	Landscape and Irrigation Plans	Lump Sum: $18,000
1.G	Survey	Lump Sum: $39,644
1.H	Geotechnical	Lump Sum: $11,940
2A	Permitting Assistance	Lump Sum: $3,000
2B	Bidding Assistance	Lump Sum: $5,000
T&M	Design Allowance	Time and Material: $10,000
	Total	**$ 390,584**

All permitting, application, and similar project fees will be paid directly by the CITY. Fees and expenses will be invoiced monthly based, as applicable, upon the percentage of services performed or actual services performed, and expenses incurred as of the invoice date. Payment will be due within 30 days of your receipt of the invoice. If additional efforts become necessary during the performance of the assignment, the ENGINEER will immediately advise the CITY of any budget revisions.

ACCEPTED

CITY OF WINTER HAVEN
POLK COUNTY, FLORIDA

BY:_____

TITLE:_____

DATE:_____

KIMLEY-HORN AND ASSOCIATES, INC.

BY:_____
Gary J. Nadeau, P.E.

TITLE: Sr. Vice President

DATE: August 3, 2026

DATE: July 23, 2026

TO: Honorable Mayor and City Commissioners

VIA: T. Michael Stavres, City Manager
M.J. Carnevale, Deputy City Manager

FROM: Gary Hubbard, Water Department Director

SUBJECT: East Winter Haven Aquifer Recharge and Wetland Restoration, Consulting Design Services-Change Order #4

BACKGROUND

On February 10, 2025, the City awarded an interim agreement for the East Winter Haven Aquifer Recharge and Wetland Restoration project (Bradco Farms Wetland) to HGS, LLC dba Resource Environmental Solutions, LLC (RES) for site reconnaissance and site assessment evaluation. The preliminary site assessment evaluation provided a positive recommendation for wetland restoration for the site.

The interim agreement currently has the following approved task orders:

- Task Order #1 was issued on February 10, 2025 ($1,506,179)
- Task Order #2 was issued on September 10, 2025 ($187,700)
- Task Order #3 was issued on December 8, 2025 ($36,348)
- Task Order #4 was issued on June 8, 2026 ($2,606,953)
- Task Order # 5 was issued on June 8, 2026 ($1,727,282)
- Task Order #6 was issued on June 8, 2026 ($81,389)

Additional work under previously approved Task Orders #3, #4, and #6 is required, to continue environmental permitting, engineering design, and property acquisition activities. That work is outlined in sub-tasks as follows:

Task Order #3 Protected Species Habitat

- **3A.2– Bonneted Bat Acoustic Survey:** $25,000

Authorizes federally required acoustic surveys to support Endangered Species Act consultation and environmental permitting.

Task Order #4 MAR Well Installation Support

- **4E – Wellhead Design of the Interim System:** $150,583
- **4F – Electrical Design of the Interim System:** $15,000

These sub-tasks provide engineering design for the interim Managed Aquifer Recharge (MAR) well system, including the wellhead and electrical components necessary to support future aquifer recharge operations and project implementation.

Task Order #6 Boundary Survey and Phase 1 Environmental Assessment (North Lobe Land Acquisition)

- **6C – Muncy Property Appraisal and Coordination:** $5,800
- **6D – King Property Appraisal and Coordination:** $4,300

These sub-tasks provide appraisal and coordination services for the Muncy property and the King property easement. The appraisals establish fair market value and support acquisition of the properties.

FINANCIAL IMPACT

The total amount for the Task Order sub-tasks 3A.2, 4E, 4F and 6C, 6D is $200,683. The project has grant awards through Florida Department of Environmental Protection (FDEP) under grant #'s LPA0441, WRP16, and 25SRP26. Combined, these three grants will provide $1,843,090 in preconstruction activities, $5,582,488 for wetland construction and $1,500,000 for future land acquisition. Funds for the additional activities for Task Orders 3, 4 and 6 are budgeted in account 402-08-305-6301-UTL-2607 in Fiscal Years 25/26 and 26/27 and reflected in the five-year Capital Improvement Plan. The Water Department will seek reimbursement from FDEP for qualifying activities that are detailed in the grant work plans.

STRATEGIC PLAN ALIGNMENT

- **Pillar:** Infrastructure
- **Goal:** 3.3 – Ensure an actionable strategy is in place for the future of water resources.
- **Strategy:** 3.3.1 – Adopt, implement, and maintain the One Water Master Plan to ensure sufficient capacity for potable, reuse and wastewater needs.

RECOMMENDATION

Staff recommends the City Commission approve Task Orders 3A.2, 4E, 4F and 6C, 6D for the East Winter Haven Aquifer Recharge and Wetland Restoration to RES and authorize the City Manager, or designee, to execute the task orders and take any and all actions necessary thereto.

ATTACHMENTS

- E Winter Haven Aquifer Recharge & Wetland Restoration, RES, Task Order 3A.2
- E Winter Haven Aquifer Recharge & Wetland Restoration, RES, Task Order 4E-F
- E Winter Haven Aquifer Recharge & Wetland Restoration, RES, Task Order 6C
- E Winter Haven Aquifer Recharge & Wetland Restoration, RES, Task Order 6D
- Change Order Authorization, HGS-CO #4

Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, Texas 77401
Main: 713-520-5400

July 14, 2026

City of Winter Haven
Winter Haven City Hall
451 Third Street NW
Winter Haven, FL 33881

RE: East Winter Haven Aquifer Recharge & Wetlands Restoration Project
Purchase Order No. 2025-00000145
Request to Authorize Task 3.A.2 – Bonneted Bat Acoustic Survey

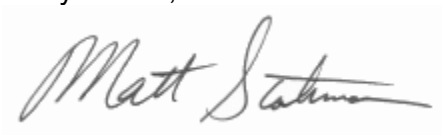
Dear Mr. Hubbard:

RES would like to request authorization to proceed with Task 3.A.2, acoustic bat surveys for the East Winter Haven Aquifer Recharge and Wetlands Restoration Project. Task 3.A.2 was previously approved in the amount of $25,000 by the Board of Commissioners on December 8, 2025.

These surveys are considered necessary to satisfy the Endangered Species Act consultation process with U.S. Fish and Wildlife and are contingent upon receipt of written approval from the City of Winter Haven to proceed. Please treat this correspondence as a formal request to proceed with this task and provide services in connection with the Project.

If Winter Haven has any questions with respect to this request, please do not hesitate to contact me by email or by phone at (281) 734-7787. If not, please reply with Winter Haven's approval at your earliest convenience.

Many thanks,



Matt Stahman

Sr. Project Manager

Cc: Mark Bombard (City of Winter Haven)

Ansley Tilley (City of Winter Haven)

Angel Wynn (RES)

Thomas LaRoue (RES)

Aaron Van Ostran (RES)

David Mahnken (RES)

34 East Pine Street
Orlando, FL 32801

Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, TX 77401
Main: 713.520.5400

June 29, 2026

City of Winter Haven Water Department
401 6th Street, SW
Winter Haven, Florida 33884
Attn: Gary Hubbard, Director

RE: East Winter Haven Aquifer Recharge and Wetlands Restoration Project
Proposal to Provide Aquifer Recharge Well Installation Support – Interim Design and Construction
City of Winter Haven Purchase Order 2025-000000145; RES Project Number 112242

Dear Mr. Hubbard,

The City of Winter Haven (City) is moving forward with the construction of an aquifer recharge well for the East Winter Haven Aquifer Recharge and Wetlands Restoration Project (Project). The well contractor began initial well drilling activities in January 2026. The City requested that HGS, LLC dba RES Environmental Operating Company (RES) provide a proposal to design the wellhead for the aquifer recharge well as well as design and construct the electrical supply for the aquifer recharge well and monitoring wells.

Previously, the City authorized the design and construction of the other components of the interim system under Tasks 4.A through 4.D. The interim system will convey water to the recharge well under controlled conditions so that injection performance, aquifer response, and system operability can be evaluated prior to final system implementation. This testing is a critical step in demonstrating the technical feasibility of the recharge well, confirming design assumptions, and generating the operational data required for regulatory review and approval.

This proposal's scope of work will amend Task 4 and, upon the City's execution of the acknowledgement below, will be treated as an additional scope to be performed under the existing Interim Agreement dated February 10, 2025. As with Task 4 of the Interim Agreement, RES proposes to conduct this scope of work on a time and materials not to exceed (NTE) basis.

The Task 4 scope of work is attached amended to include Task 4.E Wellhead Design and Task 4.F Electrical Design. The following paragraphs provide additional discussion related to the proposed Tasks 4.E and 4.F scopes of work. Costs and Schedule for Tasks 4.E and 4.F are provided at the end of this letter in **Tables 1** and **2**, respectively.

Task 4.E. Wellhead Design

Direct aquifer recharge through injection into the Upper Floridan Aquifer (UFA) requires a specifically designed wellhead assembly to provide a controlled interface between the treatment system and the injection well. The wellhead serves as the primary point of connection for introducing treated recharge water into the aquifer while maintaining the hydraulic control, monitoring capabilities, and operational safeguards necessary for long-term managed aquifer recharge (MAR) operations. The engineered wellhead system is necessary to support compliance with applicable permitting requirements by enabling regulation of injection rates, monitoring system performance, and protecting the integrity of the aquifer system.

The recharge wellhead design will include the above-grade piping, valves, flow-measurement devices, pressure-monitoring instrumentation, and associated mechanical, electrical, and controls components required to safely convey treated water from the recharge treatment system to the injection well. The system will incorporate operational features such as flow control, isolation capabilities, emergency shutdown provisions, and monitoring requirements to support reliable operation, maintenance activities, and future mechanical integrity testing.

Task 4.F. Electrical Design

The proposed project facilities will require a reliable electrical power source to support the operation of the managed aquifer recharge system, including treatment processes, pumping systems, instrumentation, controls, and associated site infrastructure. Electrical service will be extended from the existing utility infrastructure located along Buckeye Loop Road to provide power to the proposed project facilities.

The electrical design will evaluate the available utility service, coordinate with the serving electrical provider, and establish the required connection point and routing to serve the project demands. The design will include the necessary electrical infrastructure, including service equipment, underground conduit, feeder systems, and connections to project components. Electrical loads will be evaluated based on the anticipated operation of the final treatment system and the subsequent preliminary list of components.

TABLE 1 – TASK 4E & 4F COSTS

Task	Costs
Task 4.E – Wellhead Design	$150,583
Task 4.F – Electrical Design	$15,000
Total	**$165,583**

TABLE 2 – TASK 4 SCHEDULE

Task	Duration*	End
Task 4.E – Wellhead Design	Upon Receipt NTP	NTP + 4 weeks
Task 4.F – Electrical Design	Upon Receipt NTP	NTP + 4 weeks

We sincerely appreciate the opportunity to submit this proposal to the City of Winter Haven for your review and consideration. Should you have any questions, comments, or concerns, please do not hesitate to contact us.

Many thanks,



Matt Stahman, Project Principal
Angel Wynn, Project Manager
Thomas LaRoue, Engineer

CC: Ansley Tilley, City of Winter Haven
Mark Bombard, Assistant Director, City of Winter Haven Water Department
Justin Freedman, RES General Manager
Brad Mitchell, RES Counsel, The Mitchell Firm, LLC

Attachments:
Task No. 4 – Scope of Work

City Acknowledgment

By signing below, the City acknowledges and approves the scope of work described in this Proposal as an additional Task to be performed under the Interim Agreement between the City and RES, effective February 10, 2025. RES will perform the work described in this Proposal only upon issuance of any required Purchase Order or Notice to Proceed. Except as expressly set forth in this Proposal, the Interim Agreement remains in full force and effect and controls the performance of the work described in this Proposal. In the event of any conflict between the Interim Agreement and any Purchase Order terms, the Interim Agreement will control unless the parties expressly agree otherwise in writing. Any optional task described in this Proposal will be authorized only if expressly included in the applicable Purchase Order, Notice to Proceed, or other written authorization issued by the City. The parties may later memorialize this Proposal in a formal amendment to the Interim Agreement, but the absence of that amendment will not limit payment for work authorized and performed under this Proposal and the Interim Agreement.

CITY OF WINTER HAVEN, FLORIDA

By: _____

Name: T, Michael Stavres

Title: City Manager

Date: _____

TASK 4 AMENDMENT – INTERIM DESIGN, PERMITTING AND CONSTRUCTION

Tasks previously approved by Commission on June 8, 2026

Task 4.A – Design of Interim System Watermain -

Task 4.B – Permitting of Interim System-

Task 4.C – Construction of Interim System-

Task 4.D – WQ Sampling and Monthly Operating Reports (MORs) (OPTIONAL) -

Additional Tasks for approval under Task 4 Amendment

Task 4.E – Wellhead Design

SERVICE PROVIDER will provide design plans for the aquifer recharge wellhead assembly necessary to support the operation of the injection well and convey water into the Upper Floridan Aquifer (UFA). The wellhead design will include the piping, valves, instrumentation, and appurtenances required for safe operation of the recharge pump system.

The wellhead design will be developed consistent with applicable regulatory requirements and standard practices for aquifer recharge injection systems, including requirements established under the applicable Underground Injection Control (UIC) program and associated permitting criteria.

SERVICE PROVIDER will coordinate the wellhead design with the City's consultant responsible for operational permitting of the recharge well to confirm consistency with permitting requirements, operational procedures, and regulatory conditions. Design plans will be provided to support the City's permitting efforts.

Task 4.E Deliverables:

- Digital copies of all Engineering Designs and Calculations

Task 4.E Assumptions:

- No backup power is required, i.e. generator or BESS at this time
- Design plans will not be submitted to permitting agencies by SERVICE PROVIDER
- Construction is not included in this Task 4.E. Construction is included in Task 4.C.

Task 4.F – Electrical Design

SERVICE PROVIDER shall provide electrical design services to support the interim design. It is the SERVICE PROVIDER'S intention to use electrical power from the existing utility infrastructure along Buckeye Loop Road to serve interim project facilities. The design shall evaluate available utility

service options, identify the anticipated point of connections, and establish the preliminary electrical infrastructure required to support project operations.

SERVICE PROVIDER will develop an electrical design for the aquifer recharge and monitoring well assemblies, including but not limited to service connection requirements, distribution equipment, feeder routing, conduit alignment, and coordination with site civil improvements. SERVICE PROVIDER will also use a preliminary list of components developed in Task 5 for the final treatment facility to determine the appropriate drop required by the utility provider.

SERVICE PROVIDER will coordinate with Utility Provider to provide the drops required to connect power supply. SERVICE PROVIDER intends to use two drops for this project. The northern drop will provide power for facilities around the aquifer recharge well. At this location, the SERVICE PROVIDER will design an underground conduit in the same ditch as the proposed potable and non-potable water main (construction approved under Task 4.C). This conduit will run from the connection point to the aquifer recharge well. The second drop will be at the southern end of the project, where the southern monitoring well will be. SERVICE PROVIDER does not intend to use underground conduit at this location at this time.

Task 4.F Deliverables:

- Digital copies of all Electrical Engineering Designs and Calculations

Task 4.F Assumptions:

- No generator or other temporary power options are included in this proposal.
- Construction is not included in this Task 4.F. Construction is included in Task 4.C.
- City will pay for TECO for drops directly.
- The electrical controls for the surrounding the wellheads will be handled under Task 4.E.

34 East Pine Street
Orlando, FL 32801

Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, TX 77401
Main: 713.520.5400

July 8, 2026

City of Winter Haven Water Department
401 6th Street, SW
Winter Haven, Florida 33884
Attn: Gary Hubbard, Director

RE: East Winter Haven Aquifer Recharge and Wetlands Restoration Project
Request for Task 1.A2 Budget Increase - Muncy Property Appraisal and Coordination
City of Winter Haven Purchase Order 2025-000000145; RES Project Number 112242

Dear Mr. Hubbard,

The City of Winter Haven (City) is moving forward with the design and permitting of the wetland system that will be constructed to supply the aquifer recharge well for the East Winter Haven Aquifer Recharge and Wetlands Restoration Project (Project) with water. To secure the project footprint, RES has submitted Letters of Intent (LOI) for the acquisition of the Muncy parcels and acquisition of an easement on the King parcels.

On June 8, 2026, the City authorized boundary surveys and Phase 1 Environmental Site Assessments (ESAs) for these parcels under Tasks 6.A, 6.B1, and 6.B2. A budget increase of $46,314 to Task 1.A2 (Land Services) to support additional land work was also authorized.

RES respectfully requests a budget increase for Task 6.C to include an appraisal of the Muncy Property, coordination with the appraiser and the landowner, and RES attendance of an on-site visit if requested by the landowner. RES proposes to conduct this scope of work on a time and materials not to exceed (NTE) basis.

Costs and Schedule are provided in **Tables 1** and **2,** respectively.

TABLE 1 – COST

Task 6.C (Land/Muncy Appraisal)	Costs
Task 6.C – Appraisal, Coordination and Site Visit (if requested by landowner)	$5,800
Task 6.C Total	***$5,800***

TABLE 2 – SCHEDULE

Task	Duration	End
Task 6.C – Muncy Property Appraisal	Upon Receipt NTP*	NTP + 4 weeks

*Work will begin immediately upon receipt of the NTP.

RES will begin work upon the City's execution of the acknowledgement below. We sincerely appreciate the opportunity to submit this proposal to the City of Winter Haven. Should you have any questions, comments, or concerns, please do not hesitate to contact us.

Many thanks,



Matt Stahman, Project Principal
Angel Wynn, Project Manager
Thomas LaRoue, Engineer

CC: Ansley Tilley, City of Winter Haven
Mark Bombard, Assistant Director, City of Winter Haven Water Department
Justin Freedman, RES General Manager
Brad Mitchell, RES Counsel, The Mitchell Firm, LLC

Attachments:

City Acknowledgment

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CITY OF WINTER HAVEN, FLORIDA

By: _____

Name: _____

Title: _____

Date: _____

34 East Pine Street
Orlando, FL 32801

Corporate Headquarters
6575 West Loop South, Suite 300
Bellaire, TX 77401
Main: 713.520.5400

July 13, 2026

City of Winter Haven Water Department
401 6th Street, SW
Winter Haven, Florida 33884
Attn: Gary Hubbard, Director

RE: East Winter Haven Aquifer Recharge and Wetlands Restoration Project
Request for Task 1.A2 Budget Increase - King Property Appraisal and Coordination
City of Winter Haven Purchase Order 2025-000000145; RES Project Number 112242

Dear Mr. Hubbard,

The City of Winter Haven (City) is moving forward with the design and permitting of the wetland system that will be constructed to supply the aquifer recharge well for the East Winter Haven Aquifer Recharge and Wetlands Restoration Project (Project) with water. To secure the project footprint, RES has submitted Letters of Intent (LOI) for the acquisition of the Muncy parcels and acquisition of an easement on the King parcels.

On June 8, 2026, the City authorized boundary surveys and Phase 1 Environmental Site Assessments (ESAs) for these parcels under Tasks 6.A, 6.B1, and 6.B2. A budget increase of $46,314 to Task 1.A2 (Land Services) to support additional land work was also authorized.

RES previously requested a budget increase for Task 6.C for the Muncy property appraisal and coordination. RES respectfully requests a budget increase for Task 6.D to include an appraisal of the King Property, coordination with the appraiser and the landowner, and RES attendance of an on-site visit if requested by the landowner. RES proposes to conduct this scope of work on a time and materials not to exceed (NTE) basis.

Costs and Schedule are provided in **Tables 1** and **2,** respectively.

TABLE 1 – COST

Task 6.C (Land/King Appraisal)	**Costs**
Task 6.D – Appraisal, Coordination and Site Visit (if requested by landowner)	$4,300
Task 6.D Total	***$4,300***

TABLE 2 – SCHEDULE

Task	**Duration**	**End**
Task 6.D – King Property Appraisal	Upon Receipt NTP*	NTP + 4 weeks

*Work will begin immediately upon receipt of the NTP.

RES will begin work upon the City's execution of the acknowledgement below. We sincerely appreciate the opportunity to submit this proposal to the City of Winter Haven. Should you have any questions, comments, or concerns, please do not hesitate to contact us.

Many thanks,



Matt Stahman, Project Principal
Angel Wynn, Project Manager
Thomas LaRoue, Engineer

CC: Ansley Tilley, City of Winter Haven
Mark Bombard, Assistant Director, City of Winter Haven Water Department
Justin Freedman, RES General Manager
Brad Mitchell, RES Counsel, The Mitchell Firm, LLC

Attachments:

City Acknowledgment

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CITY OF WINTER HAVEN, FLORIDA

By: _____

Name: _____

Title: _____

Date: _____

CHANGE ORDER AUTHORIZATION (COA)

This Change Order Authorization (COA) form is utilized when a change to a project increases the cost of the project by $5,000 or 1% of the amount of the original PO, whichever is more. If the original project amount was approved by the City Commission, allowing the City Manager to take any and all actions necessary to complete the project, then the COA may be approved by the City Manager.

*If the COA includes changes to the design or changes in the scope of work on a major City project, the COA must also be signed by the City Engineer or his designee.

Date 7/27/26 Purchase Order (PO) # 2025-00000145 CO# 4

Project Name / Bid # East Winter Haven Aquifer Recharge & Wetland Restoration (Bradco)

Vendor Name HGS, LLC

Account # 402-08-305-6301-UTL-2607 Project Code UTL-2607

Original PO Amount $ 1,506,179.00 Original # of Contract Days: 273

Total Cost of Previously Issued COs $ 6,145,851.00 Additional Contract Days: 365

Total Cost of this CO: $ 200,683.00 Additional Contract Days: 180

NEW PO amount inclusive of ALL change orders to date: $ 7,852,713.00

Reason needed: **See attached City Commission Fact Sheet**

AUTHORIZATIONS

Department Director: Mark W. Bombard Digitally signed by Mark W. Bombard Date: 2026.07.27 13:26:33 -04'00' City Engineer*: N/A

**Date of Commission Approval: 2/10/25, 9/10/25, 12/8/25 & 6/8/26

If applicable (or denote if this is listed as a line item in approved budget and approval not required)

DATE: July 10, 2026

TO: Winter Haven Planning Commissioners

VIA: T. Michael Stavres, City Manager
Michael Carnevale, Deputy City Manager
Eric Labbe, Economic Opportunity & Community Investment Director
Sean Byers, Planning Manager

FROM: Heather Reuter, Senior Planner

SUBJECT: **Ordinance O-26-19:** Request by Lake May District JV, LLC to rezone six (6) parcels from Commercial- Heavy (C-4) zoning district to Planned Unit Development (PUD) zoning district. **General Location:** 717 Sixth Street, SW. The area covered by this request is 4.24± acres.

BACKGROUND

Lake May District JV, LLC, petitioner, requests the City rezone six (6) parcels from Commercial- Heavy (C-4) zoning district to Planned Unit Development (PUD) zoning district. The property subject to this request, totaling approximately 4.24 acres, is generally located at 717 Sixth Street, SW. The property consists of the Marine Supply Boating Center and Marina located on Lake May.

The petitioner proposes to renovate the existing full-service marina and redevelop the property with additional uses including additional parking, a boat club, food trucks, outdoor entertainment, and a restaurant.

Proposed PUD conditions provide standards for the following items:

- Permitted uses;
- Development standards;
- Marine structure standards; and
- Parking requirements.

SURROUNDING USES

The subject property is located on Lake May, which is on the Chain of Lakes. Immediate surrounding uses include Whitehead Construction to the north across Avenue G, SW; a pet services business, Sixth Street, SW, and Borden Dairy to the east; vacant property zoned C-4 and I-1 to the south; and Lake May to the west.

INFRASTRUCTURE

The Primary Mixed Use Hub Future Land Use designation will remain unchanged. As such, the maximum allowable development potential is not increased, and no additional impacts to public infrastructure are anticipated beyond what is currently permitted. A final concurrency determination shall be made at the time the property receives site plan approval and is redeveloped.

COMPREHENSIVE PLAN

The subject property is designated as a Primary Mixed Use Hub Future Land Use. The requested PUD zoning district is consistent with this designation.

NOTIFICATION

All notification requirements for this request were met.

FINANCIAL IMPACT

There is no direct financial impact to the City with this request.

This is a request initiated by an application by a private party. In accordance with Section 166.041 (4)(c)(7)(b) of the Florida Statutes, ordinances initiated by an application by a private party are exempt from providing Business Impact Estimates.

STRATEGIC PLAN ALIGNMENT

This is a routine zoning amendment associated with normal operations of the City not specifically defined as a goal or strategy within the Strategic Plan. However, it is aligned with the Responsible Government and Economic Sustainability Strategic Pillars.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission, at its July 9, 2026 regular meeting, voted to recommend approval of this request. Two members of the public spoke in support of this request.

CONCLUSION

Based on staff's review, the proposed rezoning from Commercial-Heavy (C-4) to Planned Unit Development (PUD) is consistent with the Primary Mixed Use Hub Future Land Use designation and will not increase the property's maximum development potential. The proposed PUD provides a framework for the continued operation and enhancement of the existing marina while establishing development standards for future improvements and complementary commercial uses. The request is compatible with the surrounding land use pattern and supports reinvestment in a waterfront property on the Chain

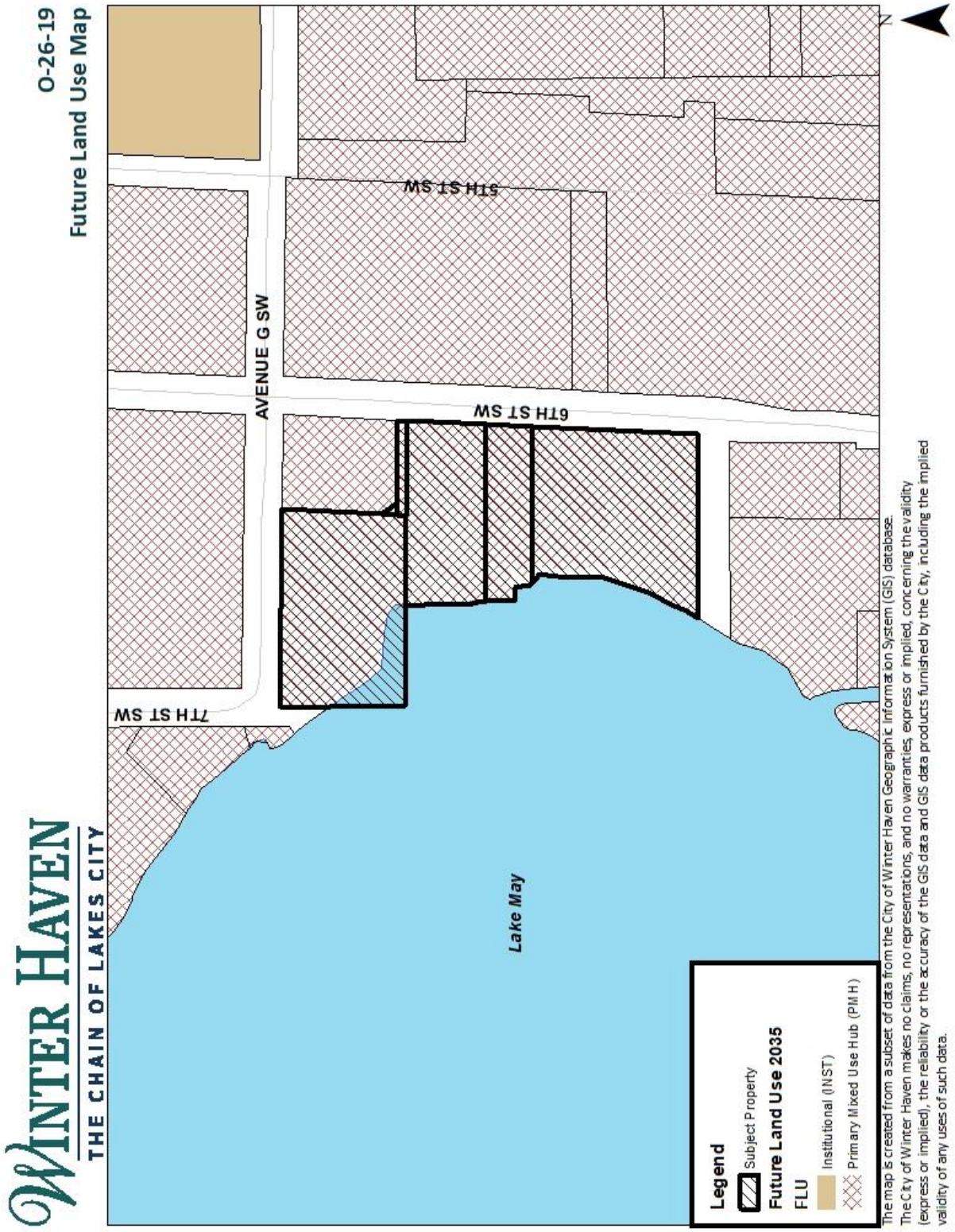
of Lakes. This request also implements concepts contained in the *2003 Urban Lakefront Study* and the *2022 Downtown CRA Plan*, both of which are appendices of the 2035 Winter Haven Comprehensive Plan.

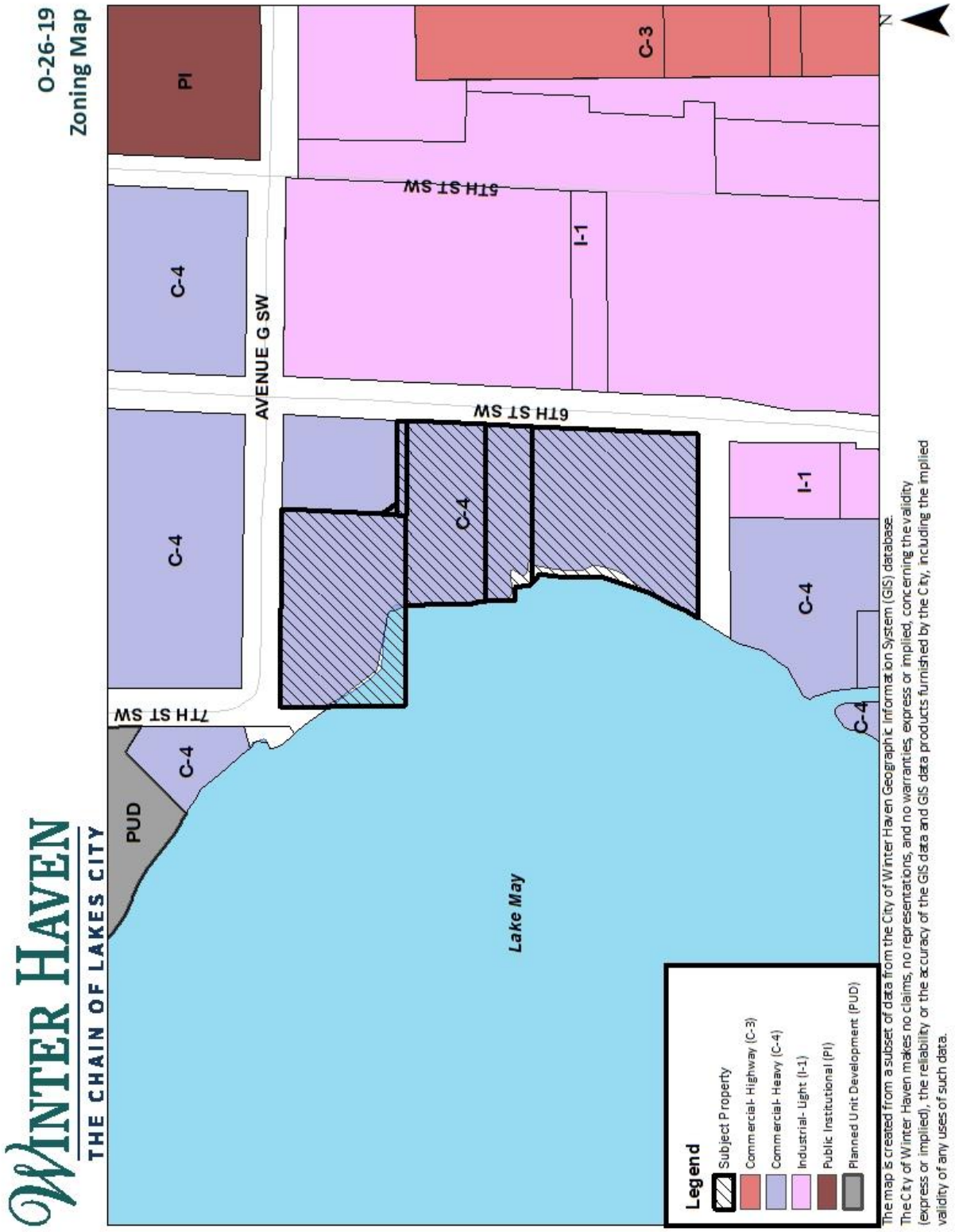
RECOMMENDATION

Staff recommends the City Commission approve Ordinance O-26-19.

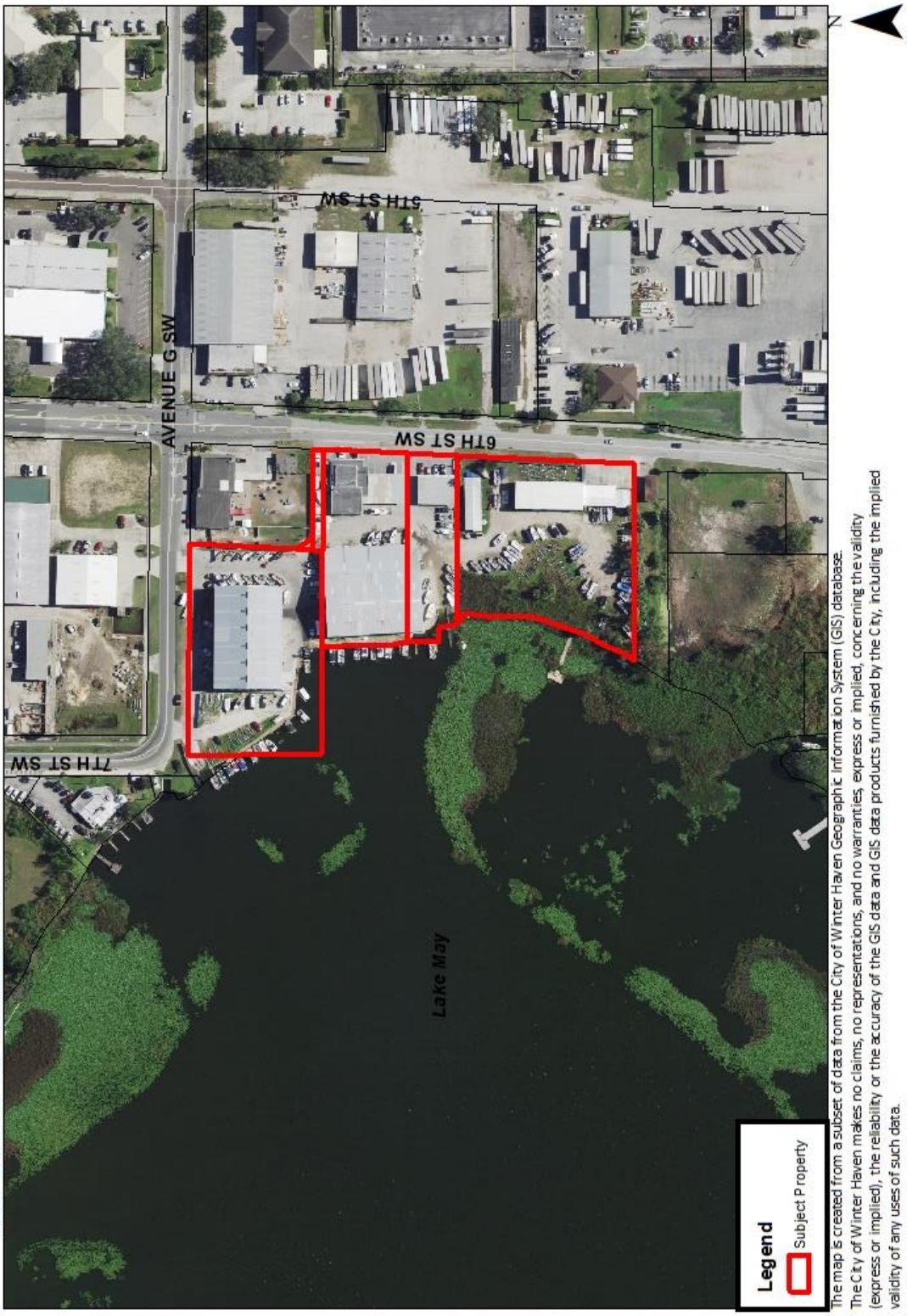
ATTACHMENTS

- Future Land Use Map
- Zoning Map
- Aerial Map
- Ordinance O-26-19


O-26-19
Future Land Use Map
N
51H ST SW
AVENUE G SW
6TH ST SW
7TH ST SW
Lake May
Legend
Subject Property
Future Land Use 2035
FLU
Institutional (INST)
Primary Mixed Use Hub (PMH)
WINTER HAVEN
THE CHAIN OF LAKES CITY
The map is created from a subset of data from the City of Winter Haven Geographic Information System (GIS) database.
The City of Winter Haven makes no claims, no representations, and no warranties, express or implied, concerning the validity (express or implied), the reliability or the accuracy of the GIS data and GIS data products furnished by the City, including the implied validity of any uses of such data.


O-26-19
Zoning Map
PI
C-3
N
51H ST SW
I-1
C-4
AVENUE G SW
61H ST SW
C-4
C-4
I-1
C-4
7TH ST SW
C-4
C-4
PUD
Lake May
WINTER HAVEN
THE CHAIN OF LAKES CITY
Legend
Subject Property
Commercial- Highway (C-3)
Commercial- Heavy (C-4)
Industrial- Light (I-1)
Public Institutional (PI)
Planned Unit Development (PUD)
The map is created from a subset of data from the City of Winter Haven Geographic Information System (GIS) database.
The City of Winter Haven makes no claims, no representations, and no warranties, express or implied, concerning the validity
(express or implied), the reliability or the accuracy of the GIS data and GIS data products furnished by the City, including the implied
validity of any uses of such data.

O-26-19
Aerial Map



WINTER HAVEN
THE CHAIN OF LAKES CITY

ORDINANCE NO. O-26-19

AN ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER HAVEN, FLORIDA, BY REZONING SIX (6) PARCELS FROM COMMERCIAL-HEAVY (C-4) ZONING DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) ZONING DISTRICT; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE. (General Location: 717 Sixth Street, SW. The area covered by this request is 4.24± acres.)

WHEREAS, there has been a request to rezone the property depicted below, and;

WHEREAS, the action will further the general health, safety, and welfare and be a benefit to the City as a whole, and;

WHEREAS, the requested zoning is consistent with the Future Land Use Element of the Winter Haven Comprehensive Plan.

WHEREAS, the request is initiated by an application by a private party, and therefore is exempt from requiring a Business Impact Estimate as set forth by Section 166.041(4)(c)(7)(b) of the Florida Statutes.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER HAVEN, FLORIDA, AS FOLLOWS:

1. That Chapter 21 of the Code of Ordinances of the City of Winter Haven, Florida, is hereby amended to rezone that land, depicted in Exhibit "A" attached hereto and made a part of this Ordinance, from Commercial- Heavy (C-4) zoning district to Planned Unit Development (PUD) zoning district.

2. The rezoning to Planned Unit Development (PUD) zoning district shall be subject to the following conditions:

A. Permitted uses.

1. Permitted uses shall be full-service marina; dry and wet boat storage; boat and watercraft sales, repairs, and/or servicing; retail sales; private and/or public boat club; private and/or public social club; mobile food vending; outdoor music and entertainment with or without a band shell; outdoor recreation; hotel; and restaurant.

2. Large-scale drinking establishments and banquet halls shall be reviewed by the Planning Commission as a special use pursuant to Section 21-411 through 21-418 of the Winter Haven Code of Ordinances.

3. Mobile food vending shall be subject to the provisions of Section 21-98, Mobile Food Vending of the Winter Haven Code of Ordinances; however, up to four (4) mobile food

vendors may operate on the property at any one time without approval by the City's Special Event Review Committee (SERC). If more than four (4) mobile food vendors operate on the property at any one time, approval by the City's Special Event Review Committee (SERC) shall be required.

B. Development standards.

1. Buildings on the property at the time of the adoption of this Planned Unit Development shall be deemed legal conforming. These buildings can be replaced within the same footprint; however, any additions to the building's footprint shall meet the standards set forth for new buildings.

2. New buildings shall adhere to development standards for the Commercial- Highway (C-3) zoning district as provided for in Chapter 21 of the Winter Haven Code of Ordinances, and any successor zoning district.

C. Landscaping.

1. A minimum 7.5-foot wide buffer shall be installed along Sixth Street, SW and Avenue G, SW. The buffer shall contain, at a minimum, the following plantings:

Frontage	**Planting Type**	**Minimum Requirement**
Sixth Street, SW	Overstory trees	None
	Understory trees	4 per 100 linear feet
	Small/medium shrubs	10 per 100 linear feet
Avenue G, SW	Overstory trees	1 per 100 linear feet
	Understory trees	2 per 100 linear feet
	Small/medium shrubs	10 per 100 linear feet

2. Required plantings may be planted in clusters within the buffer.

3. The use of Florida Friendly plantings shall be required.

D. Marine structures.

1. Up to a six-foot (6-foot) wide boardwalk may run the length of the property's frontage along Lake May.

2. Up to three (3) marine structures may be permitted on the property, subject to the following standards:

   i. The maximum distance that a marine structure shall extend from the shoreline shall be one hundred fifty (150) feet.

   ii. Marine structures shall be separated by a minimum of 50 feet.

   iii. No more than thirty (30) slips are allowed on any one marine structure.

iv. All marine structures must receive the proper state and/or federal permits from appropriate State and/or Regional and/or Federal agencies prior to issuance of a City building permit.

E. Parking.

1. Prior to site plan approval, the developer shall demonstrate adequate off-street parking, with the submittal of an alternative parking analysis subject to approval by the Economic Opportunity and Community Investment Director.

2. The use of gravel parking for spaces and drive aisles may be utilized subject to the following standards:

i. Gravel is to be stone size #57 (three-fourths (3/4) inch or larger).

ii. Gravel parking lots require the installation of an appropriate sub-grade and drainage plans approved by the City Engineer.

iii. Gravel parking lots shall be designed and constructed such that siltation resulting from stormwater run-off does not enter adjacent properties or public rights-of-way. The lots must be designed so as to prevent loose aggregate or other materials from leaving the lot

iv. A concrete apron, constructed as per City standards, shall be installed from the edge of the pavement to the property line for all entrances and exits to the parking area.

v. Any required handicapped parking space shall be paved.

F. Transportation.

1. A minimum 5-foot sidewalk shall be installed along the property's frontage with Sixth Street, SW and Avenue G, SW.

2. The developer shall dedicate, at a minimum, 30 feet to centerline for Sixth Street, SW and Avenue G, SW.

G. All development shall be consistent with the attached conceptual plan attached hereto and made a part hereof as Exhibit "B:; however, deviation from the conceptual site plan, including changes which may impact specific interior configuration, to address safety, design, technical, wetland, or permitting issues identified during formal site plan review may be permitted without a PUD amendment. The shown layout is for illustrative purposes only.

H. Where not specifically addressed in this Planned Unit Development, standards and regulations for the Commercial- Highway (C-3) zoning district, or any successor zoning district, shall be followed.

I. All other code requirements not specifically addressed by this Planned Unit Development shall apply.

3. This Ordinance shall not be codified, but the City Clerk shall retain this Ordinance as a permanent record of action taken by the City Commission of the City of Winter Haven.

4. The administrative correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the City Manager or designee, without need of public hearing, by filing a corrected or recodified copy of same with the City Clerk.

5. All ordinances in conflict herewith are hereby repealed.

6. This Ordinance shall be effective immediately upon the effective date; however, that such change shall first be noted on the official zoning map of the City of Winter Haven.

INTRODUCED on first reading this 10th day of August, 2026.

PASSED on second reading this 24th day of August, 2026.

CITY OF WINTER HAVEN, FLORIDA

_____
MAYOR-COMMISSIONER
Brian Yates, Mayor

ATTEST:

_____
CITY CLERK
Vanessa Castillo, MMC

Approved as to form:

_____
CITY ATTORNEY
Frederick J. Murphy, Jr.

Exhibit "A"

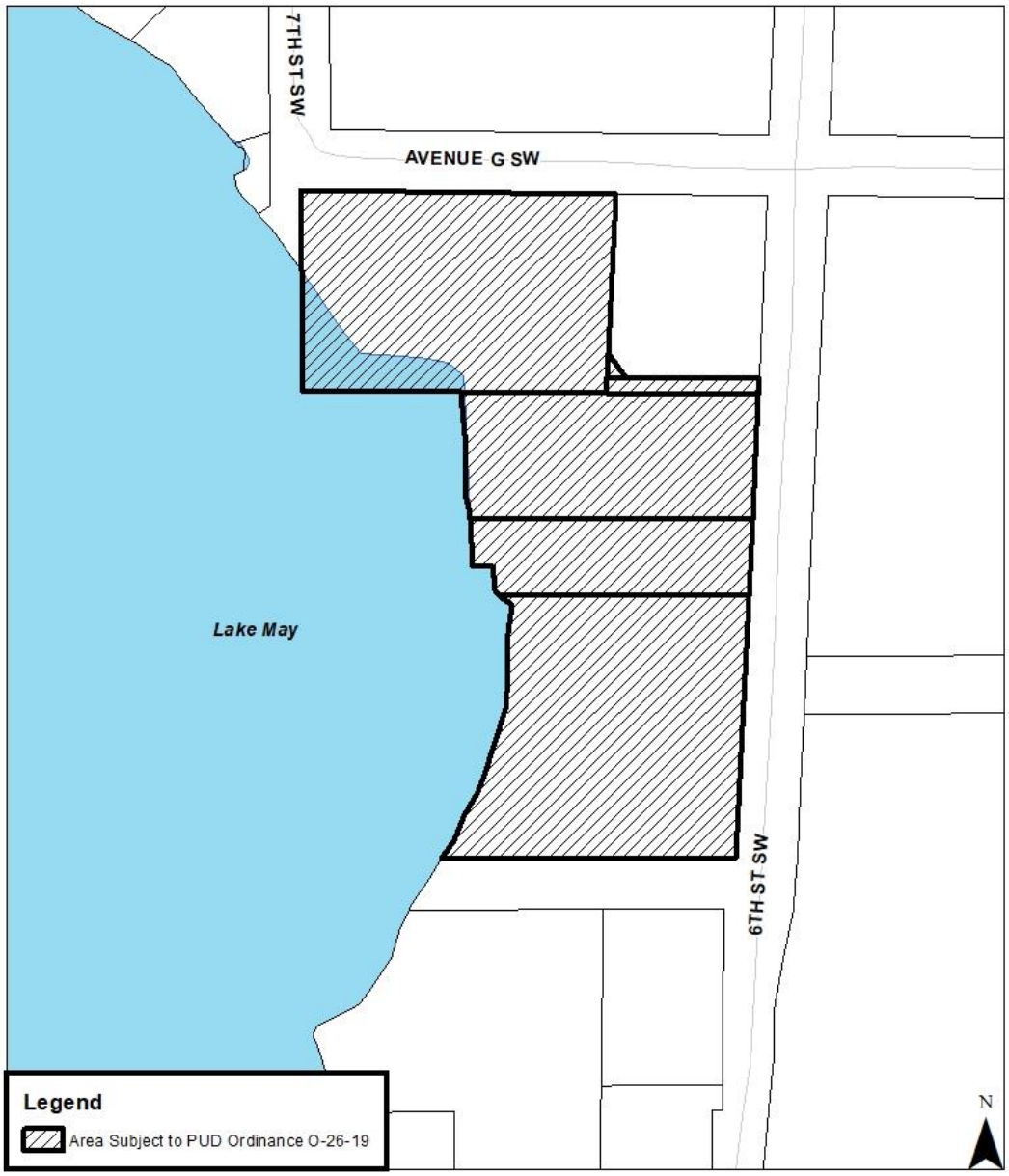
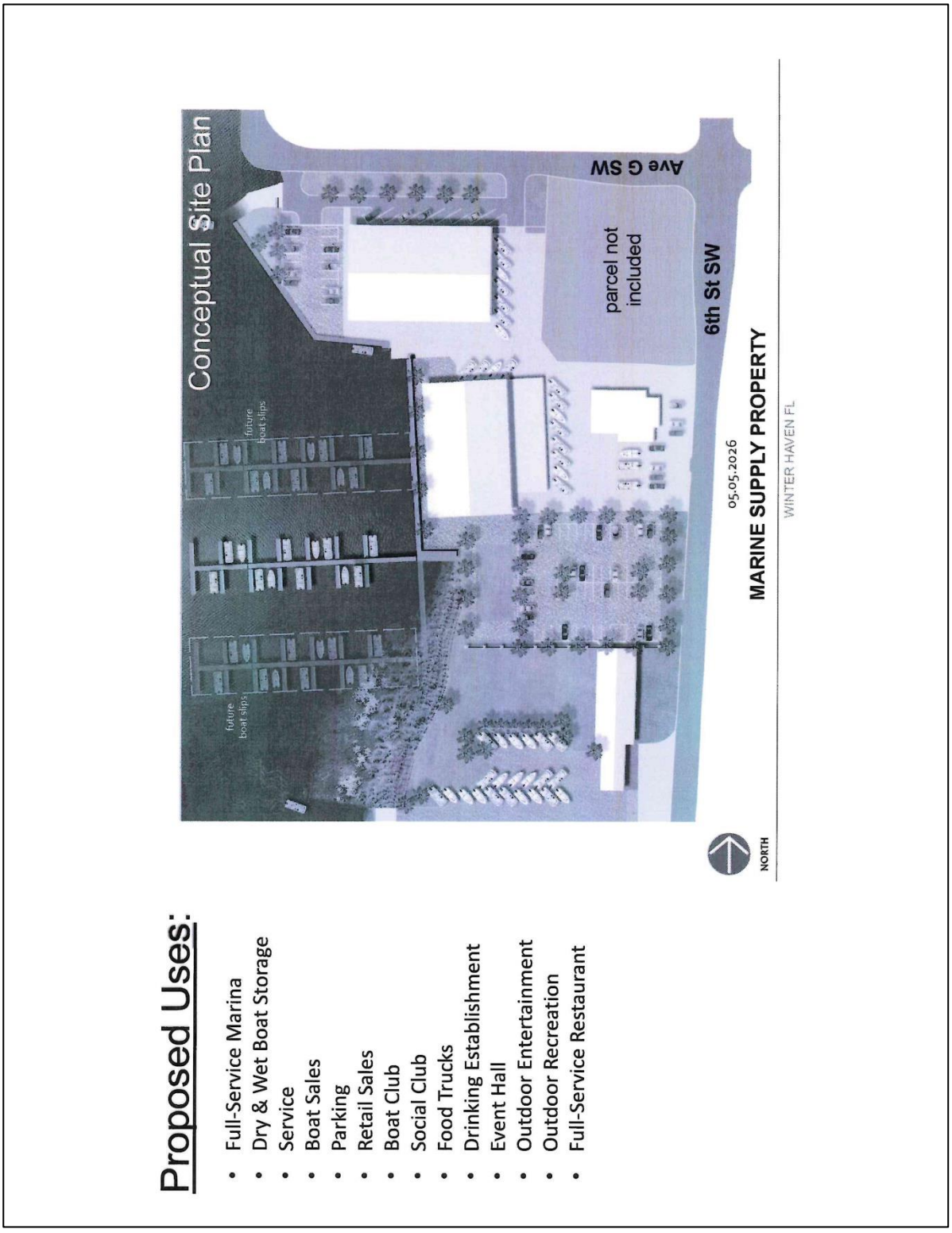

7TH ST SW
AVENUE G SW
Lake May
6TH ST SW
Legend
Area Subject to PUD Ordinance O-26-19
N

Exhibit "B"


Proposed Uses:
Full-Service Marina
Dry & Wet Boat Storage
Service
Boat Sales
Parking
Retail Sales
Boat Club
Social Club
Food Trucks
Drinking Establishment
Event Hall
Outdoor Entertainment
Outdoor Recreation
Full-Service Restaurant
Conceptual Site Plan
future boat slips
future boat slips
future boat slips
parcel not included
Ave G SW
6th St SW
NORTH
05.05.2026
MARINE SUPPLY PROPERTY
WINTER HAVEN FL

DATE: August 10, 2026

TO: Honorable Mayor and City Commissioners

VIA: T. Michael Stavres, City Manager
M.J. Carnevale, Deputy City Manager
Eric Labbe, Director of Economic Opportunity and Community Investment
Cedric Cox, Asst. Director of Economic Opportunity and Community Investment

FROM: Nancy Hurley, Affordable Housing Compliance Manager

SUBJECT: State Housing Initiatives Partnership (SHIP) Program Annual Report (AR)

BACKGROUND

The State Housing Initiatives Partnership program (SHIP) provides funds to eligible local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The program was designed to serve very low-, low- and moderate-income families. Funds are based on a formula and are distributed annually. In order to receive funds each locality is required to submit an annual report which encompasses two years. Attached is the Close-Out Report for SHIP Fiscal Year 2023-2024 (including data for the Interim Report Year 2024-2025 and 2025-2026). The SHIP Fiscal Year begins July 1 and ends June 30. Program funds for Fiscal Year 2023-2024 were used to provide owner-occupied home repair and down payment assistance.

The City received a State annual distribution amount of $626,236 for Fiscal Year 2023-2024. In addition to the distribution the City also received interest and payments (program income) and carryover funds from the previous fiscal year, for a total of $736,252.44. Eighteen (18) Winter Haven residents were assisted with this funding to include 13 owner-occupied rehabilitations and 5 down payment assistance applicants. Total expended funds for Fiscal Year 2023-2024 were $714,879.91 with $21,373.30 carrying over to Fiscal Year 2024-2025. Although the City is not required to report close out data for Fiscal Year 2024-2025 and 2025-2026, the City's SHIP distribution which was expended or encumbered totaled $539,116.55.

The SHIP program is available to income eligible households City-wide. Of the eighteen households assisted in Fiscal Year 2023-2024, fourteen were located in the northeast quadrant of the City, one was located in the northwest quadrant, and three were located in the southeast quadrant. Fifteen households assisted were located within the Florence Villa Community Redevelopment Area.

Additionally, the City is contracted with Guardian Community Resources Management and Envirobuild,

LLC to perform down payment assistance and housing repair/rehabilitation services.

FINANCIAL IMPACT

There is no financial impact to the City associated with the filing of this report and related authorization to do so. However, failure to submit the report could result in the withholding of annual disbursements of SHIP funds to the City. These funds vary annually from approximately $350,0000 to $500,000 and are disbursed quarterly.

STRATEGIC PLAN ALIGNMENT

- **Pillar:** Quality of Life
- **Goal:** 2.1 – Take a strategic, creative and locally-specific approach to maximize the availability of attainable (affordable, workforce, attainable) housing opportunities.
- **Strategy:** 2.1.4 – Ensure all available Local Housing Assistance Plan strategies are implemented annually.

RECOMMENDATION

Staff recommends the City Commission approve the SHIP Annual Report for Close-Out Year 2023-2024 and Interim Years 2024-2025 and 2025-2026; and authorize the Mayor (SHIP requires the elected official) to sign the certification form directing Staff to submit the report to the Florida Housing Finance Corporation.

ATTACHMENTS

- SHIP Annual Close-out Report 2023-2024
- SHIP Certification Annual Report 2023-2024

Title: SHIP Annual Report

Report Status: Unsubmitted

Winter Haven FY 2023/2024 Closeout

Form 1

SHIP Distribution Summary

Homeownership

Code	Strategy	Expended Amount	Units	Encumbered Amount	Units	Unencumbered Amount	Units
1	Purchase Assistance w / Rehab	$190,000.00	5				
3	Owner Occupied Rehab	$487,119.23	13				
	Homeownership Totals:	**$677,119.23**	**18**				

Rentals

Code	Strategy	Expended Amount	Units	Encumbered Amount	Units	Unencumbered Amount	Units
	Rental Totals:						
	Subtotals:	**$677,119.23**	**18**				

Additional Use of Funds

Use	Expended	Percentage
Administrative	$37,759.91	6.02 %
Homeownership Counseling		
Admin From Program Income		.00 %
Admin From Disaster Funds		-
Admin From HHRP		NaN %

Totals:	**$714,879.14**	**18**	**$.00**	**$.00**

Total Revenue (Actual and/or Anticipated) for Local SHIP Trust Fund

Source of Funds	Amount
State Annual Distribution	$626,236.00
Program Income (Interest)	$80,555.52
Program Income (Payments)	$12,000.00
Recaptured Funds	$.00
Disaster Funds	
HHRP Funds	
Carryover funds from previous year	$17,460.92
Total:	**$736,252.44**

*** Carry Forward to Next Year: $21,373.30**

NOTE: This carry forward amount will only be accurate when all revenue amounts and all expended, encumbered and unencumbered amounts have been added to Form 1

Form 2

Rental Unit Information

Description	Eff.	1 Bed	2 Bed	3 Bed	4 Bed
ELI	401	456	645	847	1,049
VLI	668	716	860	993	1,108
LOW	1,070	1,146	1,375	1,588	1,772
MOD	1,605	1,720	2,064	2,385	2,661
Up to 140%	1,872	2,007	2,408	2,782	3,104

Recap of Funding Sources for Units Produced ("Leveraging")

Source of Funds Produced through June 30th for Units	Amount of Funds Expended to Date	% of Total Value
SHIP Funds Expended	$677,119.23	40.95%
Public Moneys Expended		.00%
Private Funds Expended	$961,429.00	58.15%
Owner Contribution	$14,907.66	.90%
Total Value of All Units	$1,653,455.89	100.00%

SHIP Program Compliance Summary - Home Ownership/Construction/Rehab

Compliance Category	SHIP Funds	Trust Funds	% of Trust Fund	FL Statute Minimum %
Homeownership	$677,119.23	$643,696.92	105.19%	65%
Construction / Rehabilitation	$677,119.23	$643,696.92	105.19%	75%

Program Compliance - Income Set-Asides

Income Category	SHIP Funds	Total Available Funds % *	Totals of Percentages
Extremely Low	$106,996.00	14.53%	
Very Low	$154,985.86	21.05%	EL+VL: 35.58%
Low	$211,662.56	28.75%	EL+VL+L: 64.33%
Moderate	$203,474.81	27.64%	
Over 120%-140%	$.00	.00%	
Totals:	$677,119.23	91.97%	

Project Funding for Expended Funds Only

Income Category	Total Funds Mortgages, Loans & DPL's	Mortgages, Loans & DPL Unit #s	Total Funds SHIP Grants	SHIP Grant Unit #s	Total SHIP Funds Expended	Total # Units
Extremely Low	$106,996.00	3	$.00	0	$106,996.00	3
Very Low	$154,985.86	4	$.00	0	$154,985.86	4
Low	$211,662.56	5	$.00	0	$211,662.56	5
Moderate	$203,474.81	6	$.00	0	$203,474.81	6
Over 120%-140%	$.00	0	$.00	0	$.00	0
Totals:	$677,119.23	18	$.00	0	$677,119.23	18

Form 3

Number of Households/Units Produced

Strategy	List Unincorporated and Each Municipality	ELI	VLI	Low	Mod	Over 121-140%	Total
Owner Occupied Rehab	Winter Haven	3	4	3	3		13
Purchase Assistance w / Rehab	Winter Haven			2	3		5
	Totals:	**3**	**4**	**5**	**6**		**18**

Characteristics/Age (Head of Household)

Description	List Unincorporated and Each Municipality	0 - 25	26 - 40	41 - 61	62+	Total
Owner Occupied Rehab	Winter Haven			4	9	13
Purchase Assistance w / Rehab	Winter Haven		2	3		5
	Totals:		**2**	**7**	**9**	**18**

Family Size

Description	List Unincorporated and Each Municipality	1 Person	2- 4 People	5 + People	Total
Owner Occupied Rehab	Winter Haven	8	5		13
Purchase Assistance w / Rehab	Winter Haven	1	2	2	5
	Totals:	**9**	**7**	**2**	**18**

Race (Head of Household)

Description	List Unincorporated and Each Municipality	White	Black	Hisp-anic	Asian	Amer-Indian	Other	Total
Owner Occupied Rehab	Winter Haven		12	1				13

Purchase Assistance w / Rehab	Winter Haven		5					5
	Totals:		**17**	**1**				**18**

Demographics (Any Member of Household)

Description	List Unincorporated and Each Municipality	Farm Worker	Home-less	Elderly	Total
Owner Occupied Rehab	Winter Haven			10	10
Purchase Assistance w / Rehab	Winter Haven				0
	Totals:			**10**	**10**

Special Target Groups for Funds Expended (i.e. teachers, nurses, law enforcement, fire fighters, etc.) Set Aside

Description	Special Target Group	Expended Funds	Total # of Expended Units
Owner Occupied Rehab	Nurse/Healthcare	34,902.78	1
Owner Occupied Rehab	Hospitality/Tourism Industry	36,387.69	1
Purchase Assistance w/Rehab	Nurse/Healthcare	50,000.00	1

Form 4

Status of Incentive Strategies

Incentive	Description (If Other)	Category	Status	**Year Adopted (or N/A)**
Expedited permitting		Required	Adopted	2009
Ongoing review process		Required	Adopted	2011
Impact fee modifications		AHAC Review	Adopted	2007

Support Services

The city partners with Heart 4 Winter Haven (non-profit) to provide support to families with children in Winter Haven area schools who are homeless or at-risk for experiencing homelessness.

Other Accomplishments

The City successfully conducted the SHIP annual audit from FHFC with no finding or issues

Availability for Public Inspection and Comments

The SHIP Annual Report is available on the City's website and also available at City Hall, upon request. The meeting for the SHIP annual report will be advertised on July 29, 2026 in the Winter Haven Sun Newspaper The report will be presented at the City Commission Public Hearing on August 10,2026, which allows for public comment. City staff is available to answer any questions or concerns.

Life-to-Date Homeownership Default and Foreclosure

Total SHIP Purchase Assistance Loans: **158**

Mortgage Foreclosures

A. Very low income households in foreclosure: **0**

B. Low income households in foreclosure: **2**

C. Moderate households in foreclosure: **0**

Foreclosed Loans Life-to-date: **2**

SHIP Program Foreclosure Percentage Rate Life to Date: **1.27**

Mortgage Defaults

A. Very low income households in default: **0**

B. Low income households in default: **2**

C. Moderate households in default: **0**

Defaulted Loans Life-to-date: **2**

SHIP Program Default Percentage Rate Life to Date: **1.27**

Strategies and Production Costs

Strategy	Average Cost
Owner Occupied Rehab	$37,470.71
Purchase Assistance W/Rehab	$38,000.00

Expended Funds

Total Unit Count: **18** Total Expended Amount: **$677,119.23**

Strategy	Full Name	Address	City	Zip Code	Expended Funds	FY if Unit Already Counted
Owner Occupied Rehab	Almary Johnson	1055 Ave. O NE	Winter Haven	33881	$37,445.08	
Owner Occupied Rehab	Catharean McClain	825 Ware Ave NE	Winter Haven	33881	$32,096.78	
Owner Occupied Rehab	Dothenia Kennedy	226 Lee Ave NE	Winter Haven	33881	$36,916.00	
Purchase Assistance w/Rehab	Eddy Faustair	108 Krenson Bay Loop	Winter Haven	33881	$30,000.00	
Purchase Assistance w/Rehab	Mitho Mitchelin	535 Cody Caleb Drive	Winter Haven	33884	$30,000.00	
Owner Occupied Rehab	patricia Johnson	2275 4th St N.E.	Winter Haven	33881	$34,902.78	
Purchase Assistance w/Rehab	Monica Jones	728 Ave R NE	Winter Haven	33881	$30,000.00	

Owner Occupied Rehab	Patrice Seay	559 Sears Ave. NE	Winter Haven	33881	$37,606.00	
Owner Occupied Rehab	Tameka Cannon	2413 Mary Jewett Circle	Winter Haven	33881	$37,781.00	
Owner Occupied Rehab	Sharon Spann	404 Ave. G. SE	Winter Haven	33880	$42,447.84	
Owner Occupied Rehab	Sharon Mattison	300 Fish Hawk Drive	Winter Haven	33884	$36,124.19	
Owner Occupied Rehab	Willie Hall	2200 9th Street NE	Winter Haven	33880	$47,663.00	
Owner Occupied Rehab	Maria Ferraro	1015 Ave. M NE	Winter Haven	33880	$36,387.69	
Owner Occupied Rehab	Patti Monroe	2208 9th Court NE	Winter Haven	33881	$32,474.00	
Purchase Assistance w/Rehab	Tiffany Slaughter	308 Avenue U NE	Winter Haven	33881	$50,000.00	
Owner Occupied Rehab	Thomasina Gaskin	2075 9th Lane NE	Winter Haven	33881	$36,945.18	
Owner Occupied Rehab	Annie Davis	230 Ave. P NE	Winter Haven	33881	$38,329.69	
Purchase Assistance W/Rehab	Latasha Phelps	311 Avenue P Nw	Winter Haven	33881	$50,000.00	

Administration by Entity

Name	Business Type	Strategy Covered	Responsibility	Amount
City Of Winter Haven	Local Government	All	All	$18,539.69
Guardian CRM Inc.	Consultant	All	All	$19,220.22

Program Income

Program Income Funds	
Loan Repayment:	
Refinance:	
Foreclosure:	
Sale of Property:	$12,000.00
Interest Earned:	$80,555.52
Total:	**$92,555.52**

Number of Affordable Housing Applications

Number of Affordable Housing Applications	
Submitted	27
Approved	18
Denied	9

Explanation of Recaptured funds

Description	Amount
Total:	**$.00**

Rental Developments

Development Name	Owner	Address	City	Zip Code	SHIP Amount	SHIP Units	Compliance Monitored By

Single Family Area Purchase Price

The average area purchase price of single family units: 260,261.25

Or

Not Applicable

Form 5

Special Needs Breakdown

Code(s)	Strategies	Expended Amount	Units	Encumbered Amount	Units	% of Allocation
1	Purchase Assistance w/Rehab	$50,000.00	1			
3	Owner Occupied Rehab	$146,516.55	4			
	Total:	**$196,516.55**	**5**			**31.38%**

Special Needs Category Breakdown by Strategy

Strategies	Special Needs Category	Expended Amount	Units	Encumbered Amount	Units
(3) Owner Occupied Rehab	Receiving Social Security Disability Insurance	$111,613.77	3		
(3) Owner Occupied Rehab	Receiving Veterans Disability Benefits	$34,902.78	1		
(1) Purchase Assistance w/Rehab	Receiving Supplemental Security Income	$50,000.00	1		

Provide a description of efforts to reduce homelessness:

The city is in partnership with a local non-profit organization to provide homeless prevention services to families who have children attending Winter Haven area schools.

Interim Year Data

Interim Year Data

Revenue	
State Annual Distribution	$422,345.00
SHIP Disaster Funds	$8,000.00
HHRP Allocation	
Program Income	$65,480.93
Total Revenue:	**$495,825.93**

Expenditures/Encumbrances	
Program Funds Expended	$160,691.89
Program Funds Encumbered	$378,424.66
Total Administration Funds Expended	
Total Administration Funds Encumbered	
Homeownership Counseling	
Total Expenditures/Encumbrances:	**$539,116.55**

Set-Asides		Percentage
65% Homeownership Requirement	$539,116.55	125.28%
75% Construction / Rehabilitation	$539,116.55	125.28%
30% Very Low Income Requirement	$294,720.38	59.44%
60% Very Low + Low Income Requirements	$374,720.38	75.57%
20% Special Needs Requirement	$190,000.00	44.15%

LG Submitted Comments:

State Housing Initiatives Partnership (SHIP) Program
Annual Report and Local Housing Incentives Certification

On Behalf of **City of Winter Haven** (Local Government), I hereby certify that:

1. The Annual Report information submitted electronically to Florida Housing Finance Corporation is true and accurate for the closeout year **23/24** and interim years **24/25 & 25/26**.
2. The local housing incentives or local housing incentive plan have been implemented or are in the process of being implemented. Including, at a minimum:
    a. Permits as defined in s.163.3164 (15) and (16) for affordable housing projects are expedited to a greater degree than other projects; and
    b. There is an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption.
3. The cumulative cost per newly constructed housing per housing unit, from these actions is estimated to be $_____N/A_____.
4. The cumulative cost per rehabilitated housing per housing unit, from these actions is estimated to be$ _____0.00_____.

Staff Member responsible for submitting annual report to FHFC: Nancy Hurley, Housing Compliance Manager/ Guardian CRM, Inc.

_____ _____

Witness Signature Date Chief Elected Official or Designee Signature Date

_____ _____

Witness Printed Name Chief Elected Official or Designee Printed Name

_____

Witness Signature Date

_____

Witness Printed Name

or

ATTEST (Seal)

_____

Signature Date

420.9075 (10) Each county or eligible municipality shall submit to the corporation by September 15 of each year a report of its affordable housing programs and accomplishments through June 30 immediately preceding submittal of the report. The report shall be certified as accurate and complete by the **local government's chief elected official or his or her designee.** Transmittal of the annual report by a county's or eligible municipality's chief elected official, or his or her designee, certifies that the local housing incentive strategies, or, if applicable, the local housing incentive plan, have been implemented or are in the process of being implemented pursuant to the adopted schedule for implementation.

DATE: July 31, 2026

TO: Honorable Mayor and City Commissioners

FROM: T. Michael Stavres, City Manager
M.J. Carnevale, Deputy City Manager

SUBJECT: Scope of work with Raftelis Financial Consultant, Inc. to conduct a Fire Assessment Study

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BACKGROUND

Section 17 Article V of the City's Code of Ordinances, adopted by the City Commission in 2015 via Ordinance O-15-26, outlines the City's authority and process for implementing Fire Protection Assessments. At its special workshop meeting on July 2, 2026 the Commission was in consensus for staff to work with a professional consultant and outline a scope of work for performing the study necessary to consider an Initial Assessment Resolution for implementation of a Fire Protection Assessment.

Staff worked with Raftelis Financial Consultants, Inc., a rate consultant with experience in this area available to the City under a City of West Palm Beach piggyback agreement, to prepare the requested scope of work. The scope is broken into two phases that would each be issued as separate task orders and builds off of the City's work completed to analyze a Fire Protection Assessment in 2015. The second phase would only be initiated if the Commission decided to move forward with implementation. Key elements of the scope include:

- **Phase 1**
  - Methodology development
  - Preliminary assessment calculations
  - Draft Report for City Commission consideration

- **Phase 2**
  - Updated analysis
  - Preparation of Ordinance, if necessary, and Resolution(s) (assisted by special counsel Susan P. Schoettle)
  - Support noticing of residents
  - Adoption hearings
  - Final assessment roll delivery

It is anticipated that the results of Phase 1 would be presented back to the City Commission before the end of 2026. The timeline for Phase 2, if the Commission decided on implementation, would take approximately 4-5 months, a proposed timeline to adopt appropriate Ordinance(s), if necessary, and Resolution(s) in 2027 is outlined in the scope.

FINANCIAL IMPACT

The cost for Raftelis Financial Consultants, Inc. to complete the study is $27,035 for Phase 1 and $32,500 for Phase 2 if the City Commission decides to implement ($59,535 total) and will be paid from the City's General Fund balance.

STRATEGIC PLAN ALIGNMENT

- **Pillar:** Responsible Government
- **Goal:** 6.1 – Exemplify fiscal accountability and resiliency
- **Strategy:** 6.1.5 – Research and pursue alternative/non-traditional revenue sources and partnership opportunities to enhance financial sustainability and resiliency.

RECOMMENDATION

Staff recommends the City Commission Authorize the City Manager to execute the scope of work with Raftelis Financial Consultants, Inc. and take any additional action necessary to bring forward an Initial Assessment Resolution for consideration if the Commission decides to implement.

ATTACHMENT

- Winter Haven-Fire Assessment Proposal July 2026

RAFTELIS

July 30, 2026

Mr. T. Michael Stavres
City Manager
City of Winter Haven
451 Third Street NW
Winter Haven, FL 33881

Re: Proposal to Conduct a Fire Protection Assessment Study

Dear Mr. Michael Stavres

It was a pleasure speaking with you recently and I am delighted to present this Proposal to Conduct a Fire Protection Assessment Study, as requested. Based on our recent discussions, we are proposing a two-phase approach to the study. Phase 1 will encompass methodology development, preliminary assessment calculations, and a draft report for City Commission consideration. Should the City wish to proceed with implementation, Phase 2 would be issued as a separate task order covering updated analysis, adoption hearings, and final assessment roll delivery. The following sections present our Scope of Work, Draft Schedule, Fee and Expense Summary, Project Team, and Appendix A with our detailed Project Task Plan and Fee Estimate Schedule. This proposal will be issued pursuant to the recent piggyback agreement of West Palm Beach.

Scope of Work

We have developed the following proposed services based on our extensive experience in completing comprehensive fire assessment programs for other local governments while taking into account the considerations during our preliminary discussions with the City. The approach has been tailored to address the specific objectives and concerns discussed with the City, while maintaining those elements that we believe are essential for a successful project. We have used a similar project approach on many of our fire assessment projects for other Cities and Counties throughout Florida. Our approach to the project, including the order of operations from a project management and execution standpoint based upon our experience with similar studies, is outlined below.

The Study will include a Finding of Benefit and Assessment Methodology to fairly assess the costs of the Assessment to parcels within the City's service area based upon the benefit received. The benefit criteria will be determined during the Study, but examples of criteria often used for Fire Protection Assessments to apportion costs to specific parcels based upon benefit received are 1) Calls-for Service, and 2) Availability. Our preliminary discussions with the City indicated a desire to explore an update to the previously presented methodology and evaluate available alternatives, as such we will prepare the first Phase of the study to evaluate each option.

We will develop an interactive Fire Protection Assessment Model that will 1) project the proposed Fire Protection expenses over a five year projection period, determine annual revenue requirements over the projection period, and 2) include all parcels within the City's Fire Service Area and will determine an appropriate assessment unit for all property classes, determine an assessment rate for each identified assessment

unit and the annual assessment for each parcel, produce a Preliminary Assessment Roll and a draft report documenting the study results.

We will conduct interactive review sessions with City staff to review the preliminary assessment calculations. We will then present the results to City Management and the City Commission in a workshop to then determine if the City wishes to proceed to Phase 2 of the study. Should the City wish to further pursue implementation of the Assessment program, we will issue a future task order for Phase 2. We segment these Phases to give the City flexibility so that the financial commitment to the full project cost, including implementation assistance, is not burdened unless the City makes the decision to fully proceed with the assessment program.

Phase 2 would consist of updating the study with the most recent available data in advance of final adoption hearings. This update would finalize the report, which would then be presented to the City Commission in formal adoption hearings. We will also assist the City's Legal Counsel in review of appropriate assessment resolution(s) and/or ordinance(s) as necessary, including Special Legal Counsel if required. We will attend the public hearings for adoption of the Fire Protection Assessment and will provide the City with a final Fire Protection Assessment Roll for certification.

We have developed a Task Plan for Phase 1, which is presented below, that specifically defines the scope of work and identifies the tasks and sub-tasks that we will accomplish during the Project.

PHASE 1 TASK PLAN

TASK 1: INITIATE THE PROJECT
1.1 Conduct Virtual Kick-Off Meeting
1.2 Prepare data request and review data and other background information

TASK 2: DEVELOP FIRE PROTECTION ASSESSMENTS AND A FIVE-YEAR FINANCIAL PLAN FOR PROVISION OF FIRE SERVICE
2.1 Identify cost apportionment methodology and assessment rate structure to be used, collect and compile required data to calculate a schedule of Fire Protection assessment rates.
2.2 Develop five-year Fire Protection financial plan and preliminary Fire Protection assessments

TASK 3: DOCUMENT AND PRESENT PRELIMINARY RESULTS TO THE CITY
3.1 Review preliminary Fire Protection Assessment Results with City Management and City Commission
3.2 Prepare and present a draft report of the results of the Fire Protection Assessment study.

Upon completion of Phase 1 of this study, the City would then determine if Phase 2 will be entered as a separate task order. Phase 2 of the study would contain the following tasks, which are subject to change based upon completion and requested direction of Phase 1:

PHASE 2 TASK PLAN (to be performed under a future task order)
TASK 1: INITIATE THE PROJECT
1.1 Conduct Virtual Kick-Off Meeting
1.2 Prepare data request and review data and other background information

TASK 2: UPDATE THE FIRE PROTECTION ASSESSMENTS AND FIVE-YEAR FINANCIAL PLAN
2.1 Receive and compile current data to update the Assessment Rates and Five-Year Financial Plan performed in Phase 1
2.2 Update five-year Fire Protection financial plan and Fire Protection Assessments
2.3 Review Fire Protection Assessment results with City Management and City Commission in a workshop
2.4 Prepare and deliver report of the updated results of the Fire Protection Assessment study

TASK 3: PROVIDE IMPLEMENTATION ASSISTANCE
3.1 Assist in the preparation of any ordinance(s) and resolution(s) that may be necessary for the adoption of the proposed Fire Protection Assessments. Any ordinance(s) and resolution(s) to be prepared by Special Legal Counsel – Susan P. Schoettle retained by the City
3.2 Assist in the preparation and mailing of required notices to property owners
3.3 Attend one public hearing for adoption of Fire Protection assessments
3.4 Prepare and deliver final Fire Assessment roll to the Polk County Property Appraiser
3.5 Provide other implementation assistance as required.

Draft Schedule

Non-Ad Valorem assessments have certain legal requirements for adoption and inclusion on Florida property owner's tax bills, or billing under the uniform method for collection. The first step in this process is to adopt a Resolution of Intent by December 31 of the year prior to adoption of the Fire Protection Assessment. The City has completed this task in the past, along with adoption of the necessary Ordinances to establish the code section for the fire assessment program. With that hurdle being cleared previously, Raftelis will work with the City to establish the methodology, initial fee levels based on fire department cost allocations, and present the findings to City Commission. Should the Commission desire to move forward with adoption, Raftelis will update the study findings based on June/July 2027 property appraiser assessment rolls and the adopted FY 2027 budget or preliminary FY 2028 budget for the fire department. Should the adoption process occur, Raftelis will attend an additional meeting with City Commission to present the findings and assist with development of the roll for the tax collector's office.

With this in mind, we propose the following schedules for Phase 1, and a draft schedule for Phase 2, assuming notice to proceed in the early part of August 2026:

Phase 1

- August/September 2026 – Initiate Phase 1 of the study and perform preliminary analysis
- October/November 2026 – Finalize and present Phase 1 results to City Management and Commission

Phase 2

- May/June 2027 – Initiate Phase 2 of the study, finalize analysis and rates with updated property data
- June/July 2027 – Initial resolution and (ordinance if necessary) hearing(s)
- Minimum 20 days prior to final adoption hearing – send required mailed notices and published notice.
- Before September 17, 2027 – Hold advertised public hearing and adopt final resolution, rates, and roll.
- No later than September 15, 2027 or date agreed upon with Property Appraiser and Tax Collector – Certify and submit final assessment roll to Tax Collector

Fee and Expense Summary

A Fee and Expense Summary is presented on the following page, and the detailed calculation of the proposed fee is presented in the Project Work Plan and Fee Estimate Schedule in Appendix A.

PHASE 1 TASKS		Hours	Fee
TASK 1:	INITIATE THE PROJECT	4	$1,135
TASK 2:	DEVELOP FIRE PROTECTION ASSESSMENTS AND A FIVE YEAR FINANCIAL PLAN FOR THE PROVISION OF FIRE PROTECTION SERVICE	62	$16,390
TASK 3:	DOCUMENT AND PRESENT PRELIMINARY RESULTS TO THE CITY	32	$9,390
TOTAL FEE		98	$26,915
EXPENSES			$120
TOTAL PHASE 1			$27,035

PHASE 2 TASKS		Hours	Fee
TASK 1:	INITIATE THE PROJECT	4	$1,135
TASK 2:	UPDATE THE FIRE PROTECTION ASSESSMENTS AND FIVE-YEAR FINANCIAL PLAN FOR THE PROVISION OF FIRE PROTECTION SERVICE	53	$15,370
TASK 3:	PROVIDE IMPLEMENTATION ASSISTANCE	50	$15,635
TOTAL FEE		107	$32,140
Total Expenses			$360
TOTAL PHASE 2			$32,500

It is our practice to invoice on a lump sum basis for the percentage of work completed during the billing period and payment is due within 30 days. The lump sum project fee for Phase 1 will be set at $27,035.

To the extent that additional analysis or attendance at additional meetings are required and requested by you, we will invoice for those services at our hourly rates, plus actual out-of-pocket expenses.

Project Team

I will serve as our Project Director, and I will be assisted by Erick van Malssen as Project Manager. Michelle Galvin will serve as Project Consultant, and Mike Burton will guide the project as Technical Advisor.

Conclusion

We look forward to the opportunity to assist you in developing a Fire Protection Assessment Program for the City. If you have any questions, please do not hesitate to call me at (407) 960-1806 or contact me via email at jwilliams@raftelis.com.

Very truly yours,



Joe Williams
Vice President

Appendix A - Detailed Project Task Plan and Fee Estimate Schedule

City of Winter Haven, FL *Fire Protection Assessment Study - Phase 1* *Appendix A - Project Task Plan and Fee Estimate*	Meetings		Hours					
	Web	On-Site	Raftelis Consultants *					
	# of Meetings	# of Meetings	JW	EV	MG	MB	Total Hours	Fee
TASK 1: INITIATE THE PROJECT								
1.1 Conduct virtual kick-off meeting.	1		1	1	1	0	3	$880
1.2 Prepare data request and review data and other background information.			0	0	1	0	1	$255
Total Task 1	**1**	**0**	**1**	**1**	**2**	**0**	**4**	**$1,135**
TASK 2: DEVELOP FIRE PROTECTION ASSESSMENTS AND A FIVE YEAR FINANCIAL PLAN FOR THE PROVISION OF FIRE PROTECTION SERVICE								
2.1 Identify cost apportionment methodology and assessment rate structure to be used and collect and compile required data to calculate a schedule of Fire Protection Assessment rates.								
a. Determine Fire Protection service area, service delivery configuration and alternative Fire Protection Fee cost apportionment methodologies and assessment rate structures.			0	1	1	0	2	$510
b. Collect and review required property data from the Polk County Property Appraiser. Data to be provided in electronic form.			0	1	2	0	3	$765
c. Compile property data into a form usable for the development of the Fire Protection Assessments.			0	2	4	0	6	$1,530
d. Collect and review required calls-for-service data from the Fire Department.			0	1	1	0	2	$510
e. Compile calls-for-service data into a form usable for the development of the Fire Protection Assessments.			0	1	2	0	3	$765
f. Collect and review required cost of service information from City staff.			0	1	2	0	3	$765
g. Compile cost of service data into a form usable for the development of the Fire Protection Assessments.			0	1	4	0	5	$1,275
2.2 Develop five-year Fire Protection financial plan and preliminary Fire Protection Assessments.								
a. Initialize our Fire Assessment model with the data compiled in Task 2.1, run the model and produce preliminary output, including 1) allocation of costs to fire and EMS, 2) apportionment of fire costs to parcel benefit, service benefit and watch-standing benefit, 3) the Fire Protection Assessment per equivalent benefit unit (EBU) in year one of the forecast period, and 4) a five-year financial management program that will include the following: o Fire Protection Assessment per ERU and a schedule of Fire Protection Assessment rates by property class. Assessment will be designed initially with both Calls-For-Service and Availability Methodologies o Capital Improvements Program - Project listing by year - Optimum funding source by project by year o Borrowing Program - Borrowing required (by source) to fund CIP projects not funded by other sources to include short-term financing for short-lived assets such as rolling stock and long-term financing for long-lived assets such as fire stations. - Timing of borrowing(s)/loan(s) to provide required borrowed funds - Annual debt service (principal and interest) of borrowings(s)/loan(s) o Revenue Sufficiency Analysis Annual revenue projections including scenarios of funding mix between ad valorem tax and non-ad valorem - assessment revenues - Annual Fire Protection Assessment adjustment plan to provide sufficient revenues over the forecast period. o Sources and Uses of Funds Analysis o Funds Analysis - Spend down limits (minimum reserve requirements) by fund - Beginning and ending funds balances by fund by year			0	3	12	0	15	$3,825
b. Review preliminary output with consulting team.			0	2	2	2	6	$1,840
c. Make adjustments and re-run model.			0	1	2	0	3	$765
d. Prepare scenarios for interactive review session with City staff.			0	1	2	0	3	$765
e. Conduct a virtual interactive review session with City staff to review the preliminary results of the Fire Protection Assessment calculations and the five-year projection of the sufficiency of revenues for the provision of Fire Protection Service.	1		0	2	2	0	4	$1,020
f. Make adjustments based upon input from City staff.			0	1	2	0	3	$765
g. Conduct a second virtual interactive review session with City staff to review the adjusted results of the Fire Protection Assessment calculations and the five-year projection of the sufficiency of revenues for the provision of Fire Protection Service and make any final adjustments.	1		1	1	1	1	4	$1,290
Total Task 2	**2**	**0**	**1**	**19**	**39**	**3**	**62**	**$16,390**
TASK 3: DOCUMENT AND PRESENT PRELIMINARY RESULTS TO THE CITY								
3.1 Review preliminary Fire Protection Assessment Results with City Management and City Commission								
a. Prepare a presentation of the preliminary Fire Protection Assessment results and review with City staff.	1		1	3	4	1	9	$2,565
b. Present the preliminary Fire Protection Assessment results to City Management and the City Commission in an in-person workshop meeting.		1	6	0	0	0	6	$2,220
c. Make adjustments as required based upon input from City Management and the City Commission.			0	1	2	0	3	$765
3.2 Prepare and present a report of the results of the Fire Protection Assessment study.								
a. Prepare a Draft Report, including legal sufficiency opinion.			1	2	8	1	12	$3,330
b. Review the Draft Report with City staff.	1		0	1	1	0	2	$510
3.3 Additional Meetings As Requested	-To Be Determined and Billed at Hourly Rates and Expenses-							
Total Task 3	**2**	**1**	**8**	**7**	**15**	**2**	**32**	**$9,390**
TOTAL PROJECT - PHASE 1								
Total Hours and Fee	**5**	**1**	**10**	**27**	**56**	**5**	**98**	**$26,915**
Total Expenses								**$120**
Total Fees & Expenses								**$27,035**

*** Raftelis Consultants - Hourly Billing Rates**

JW - Joe Williams - Project Director - Vice President	**$370**			
EV - Erick van Malssen - Project Manager - Senior Consultant		$255		
MG - Michelle Galvin - Project Consultant - Senior Consultant			$255	
MB - Michael Burton - Technical Advisor - Executive Vice President				**$410**