



# **CITY COMMISSION**

## **REGULAR MEETING AGENDA**

**MONDAY, APRIL 29, 2024 - 6:30 PM**

CITY HALL - COMMISSION CHAMBERS

1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

## **CALL TO ORDER**

Roll Call  
Invocation  
Pledge of Allegiance  
Agenda Changes

## **AWARDS AND PRESENTATIONS**

100. Not Used

## **INFORMATIONAL AGENDA**

200. Not Used

## **PUBLIC INPUT**

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

## **CONSENT AGENDA**

300. Surplus Assets  
[Surplus Assets 04.29.24.pdf](#)
301. Arbor Day Trees
302. Hickory Grove Final Site Acceptance  
[Final Site Acceptance Checklist - Signed.pdf](#)
303. Storm Sewer Repair - 1207 Deer Run  
[PROPOSAL 1207 DEER RUN -- AFFORDABLE DEVELOPMENT 04.15.24.pdf](#)
304. Approval of the Minutes from the Monday, April 8, 2024 City Commission Regular Meeting  
[2024 04 08 City Commission Regular Meeting Minutes.pdf](#)

## **PUBLIC HEARINGS AGENDA**

400. Not Used

## **REGULAR AGENDA**

500. West WRF (Water Reclamation Facility), Disk Filter Purchase
501. New Business

## **REPORTS**

- 600. Interim City Manager Phil Hursh
- 601. City Attorney Anthony A. Garganese
- 602. City Clerk Christian Gowan
- 603. Seat One Commissioner/Deputy Mayor Matt Benton
- 604. Seat Two Commissioner Victoria Bruce
- 605. Seat Three Commissioner Ted Johnson
- 606. Seat Four Commissioner Cade Resnick
- 607. Seat Five Commissioner Rob Elliott
- 608. Mayor Kevin McCann

## **PUBLIC INPUT**

*Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.*

## **ADJOURNMENT**

### **PUBLIC NOTICE**

This is a Public Meeting, and the public is invited to attend and this Agenda is subject to change. Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based" - per Section 286.0105 *Florida Statutes*.



# CONSENT AGENDA ITEM 300

CITY COMMISSION AGENDA | APRIL 29, 2024 REGULAR MEETING

## TITLE

Surplus Assets

## SUMMARY

The attached surplus asset list details fixed assets that are no longer functional or needed and will be disposed of according to the City Fixed Asset procedures.

## FUNDING SOURCE

N/A

## RECOMMENDATION

Staff recommends the Commission to authorize the disposition of surplus assets according to the attached disposition sheet.

Comission Date	Surplus Assets	Methods of Disposal
4/29/2024		1 - Auction/Sale    6 - Totaled/Accident 2 - eWaste            7 - Lost 3 - Destroy            8 - Stolen 4 - Salvage            9 - Donated 5 - Trade-in           10 - Transfer

Department	Description	Asset #	Acquisition Date	Original Cost	Method of Disposal
PD	Protech Might Mite	302303	9/21/2018	\$ 1,052	3
PD	Protech Might Mite	302304	9/21/2018	\$ 1,052	3
PD	Protech Might Mite	302305	9/21/2018	\$ 1,052	3
Utilities	2020 Ram 1500 Classic	303976	7/31/2020	\$ 22,414	6
EDV	2021 Chevrolet Bolt EV	304017	3/29/2021	\$ 28,501	1
EDV	2021 Chevrolet Bolt EV	304018	3/29/2021	\$ 28,501	1
Utilities	Tractor Massey Ferguson 573	300931	8/15/2008	\$ 30,704	1
Utilities	Tractor Massey Ferguson 5435	300268	12/21/2004	\$ 30,535	1
PD	2013 Chevrolet Impala	301990	3/8/2013	\$ 24,240	1
PD	2013 Chevrolet Impala	301985	3/8/2013	\$ 24,186	1
Parks	2003 F150	Truck #55			4
PD	2013 Chevrolet Impala	301987	3/8/2013	\$ 24,488	1
PD	2013 Chevrolet Impala	301989	3/8/2013	\$ 25,371	1
PD	2016 Ford Interceptor	302126	9/15/2015	\$ 26,807	1
PD	2016 Ford Interceptor	302128	9/15/2015	\$ 26,807	1
Parks	2017 Ford F150	303820	9/20/2017	\$ 27,053	4
Utilities	2009 Ford Escape	300997	3/9/2009	\$ 16,693	1
Utilities	2006 Chevrolet Colorado	300594	4/16/2006	\$ 18,203	1
Utilities	2011 Chevrolet Impala	301906	3/11/2011	\$ 23,362	1
Utilities	2007 Chevrolet Impala	301674	1/11/2007	\$ 17,050	1
Utilities	2011 Chevrolet Impala	301904	3/11/2011	\$ 23,262	1
EDV	2007 Chev Trailblazer	301671	1/11/2007	\$ 17,050	1
Utilities	2010 Chevrolet Impala	301864			4



# CONSENT AGENDA ITEM 301

CITY COMMISSION AGENDA | APRIL 29, 2024 REGULAR MEETING

## TITLE

Arbor Day Trees

## SUMMARY

The Arbor Day Tree Giveaway was another big success this year. There are 1,478 Trees that have been requested. That is up from last year which delivered 1,223 and the year before at 777 Trees. With the large number of trees, the cost will exceed \$50,000 which is the Interim City Managers authority to approve. The exact dollar expenditure is not known at this time but it will exceed \$50,000 therefore we are requesting the City Commission approval for an amount not to exceed \$72,000.

## FUNDING SOURCE

GL: 140-15-0000-550520 Arbor Operating

## RECOMMENDATION

Staff recommends City Commission approve the expenditure for the Arbor Day Tree Giveaway of not to exceed \$72,000. Additionally, staff recommends authorizing the Interim City Manager and City Attorney prepare and execute any and all documents consistent with this agenda item.



# CONSENT AGENDA ITEM 302

CITY COMMISSION AGENDA | APRIL 29, 2024 REGULAR MEETING

## TITLE

Hickory Grove Final Site Acceptance

## SUMMARY

The project closeout list is attached and all items on said list have been completed. All public infrastructure (streets, sidewalks, wastewater system, etc.) will be turned over to the City.

## FUNDING SOURCE

## RECOMMENDATION

Staff recommends that the City Commission find the site work to have been built in substantial accordance with the Final Engineering plans.



## COMMUNITY DEVELOPMENT DEPARTMENT FINAL SITE ACCEPTANCE CHECKLIST

Final Site Acceptance is required before any Certificates of Occupancy can be issued for any buildings on site. Final Site Acceptance is a Consent Agenda item at a City Commission meeting. Once all items on this checklist have been completed/fulfilled, please contact Community Development Staff to request being placed on the City Commission agenda for Final Site Acceptance.

**NOTE:** Notice of completion of this checklist must be provided to Community Development staff 2 weeks prior to the City Commission meeting date in order to be placed on the agenda.

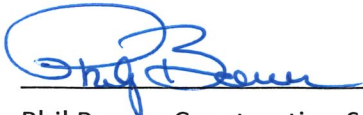
If there are any questions, please contact Community Development staff.

1. Submit Engineer of Record's Certification Letter.
2. Submit DEP Water Certification.
3. Submit DEP Sewer Certification.
4. Pay all Water and Sewer Connection Fees.
5. Submit FDOT Permit Certification.
6. Submit a complete set of record drawings (as-builts) as a digital file.
7. Submit a Bill of Sale for all infrastructure being turned over to the City for ownership and maintenance (streets, utilities, ponds, sidewalks, etc.). Use the City's standard Bill of Sale form.
8. Submit a 2-year Maintenance Bond, Letter of Credit, or Cash Escrow Deposit (10% of the value of all public improvements/infrastructure to be owned and maintained by the City as listed on the Bill of Sale).
9. Submit letter from Engineer of Record to St. Johns River Water Management District certifying the on-site improvements.
10. Complete Final Inspection of on-site improvements (to occur after receipt of as-builts from the Engineer of Record).
11. Record easements and dedications at Seminole County and submit proof of completion.
12. Receive final approvals from all City departments (Planning, Engineering, and Building) as well as the Seminole County Fire Department and submit proof of completion.



## COMMUNITY DEVELOPMENT DEPARTMENT FINAL SITE ACCEPTANCE CHECKLIST

By signing below, I confirm that all final inspections of public infrastructure have been completed and passed successfully.

  
\_\_\_\_\_

Phil Bower, Construction Services Manager

By signing below, I confirm that all required information and documents have been received and that all applicable items of the Final Site Acceptance Checklist have been completed.

  
\_\_\_\_\_

Nick Tafelsky, Senior City Planner



# CONSENT AGENDA ITEM 303

CITY COMMISSION AGENDA | APRIL 29, 2024 REGULAR MEETING

## TITLE

Storm Sewer Repair - 1207 Deer Run

## SUMMARY

An existing 30-inch storm sewer pipe has settled over time and sections of the storm sewer line have separated resulting in significant erosion and sedimentation issues at the storm water pond. Sections of the existing compromised pipe will be removed and replaced with a new 30-inch RCP.

## FUNDING SOURCE

Funding for this proposed improvement is the 3rd General Sales Tax Revenue. Affordable Development, a division of Driveways Inc., is currently under contract with the City of Winter Springs through a City of New Smyrna piggyback contract to perform these services. The contract value for this repair is \$77,894.42 as shown in the attached contract.

## RECOMMENDATION

Staff requests approval from Commission of the proposed replacement of a collapsed 30-inch reinforced concrete (RCP) storm sewer pipe located at 1207 Deer Run.

**AFFORDABLE DEVELOPMENT, a division of DRIVEWAYS, INC**

3300 BOBBI LANE TITUSVILLE, FL 32780

(321) 267-4032 FAX (321) 264-2842

4/15/2024

TO: **CITY OF WINTER SPRINGS-KEVIN**

REF: **1207 DEER RUN**

PROPOSAL TO FURNISH ALL MATERIALS, LABOR, AND EQUIPMENT FOR THE INSTALLATION OF THE FOLLOWING DESCRIBED WORK.

ITEM	DESCRIPTION	QTY	UNITS	TOTAL
1	MOBILIZATION	1	LS	11,000.00
2	CLEARING AND GRUBBING	111	SY	10,378.50
3	FILL AND GRADE	180	CY	11,331.00
4	RELOCATE FENCE OUTSIDE THE WORK ZONE	40	LF	2,022.00
5	PLUG 30" RCP	1	LS	1,679.00
6	BYPASS PUMP	1	LS	11,035.00
7	REMOVE & REINSTALL 30" MES	1	LS	3,744.50
8	FORM & POUR 30" MES	1	LS	5,776.00
9	REMOVE & REPLACE DRIVEWAY	106	SY	8,403.42
10	SOD ALL DISTURBED AREAS	6000	SF	12,525.00
<b>PROPOSED GRAND TOTAL</b>				<b>\$ 77,894.42</b>

**NOTE:**

\*LAYOUT, ASBUILTS, PERMITS, & FEES ARE NOT INCLUDED IN PROPOSAL

\*PROPOSAL IS SUBJECT TO CHANGE AFTER 60 DAYS.

\*THIS PROPOSAL IS BASED ON ITEMS AND QUANTITIES LISTED ONLY

**\*Signature received by email shall create a binding obligation of the party executing with the same force and effect as an original.**

RESPECTFULLY SUBMITTED

AUTHORIZED SIGNATURE: KEN UPTHEGROVE, VICE PRESIDENT

AFFORDABLE DEVELOPMENT

CUSTOMER REPRESENTATIVE PRINTED NAME:

\_\_\_\_\_

AUTHORIZED SIGNATURE: \_\_\_\_\_

**This proposal will become a part of any purchase order you may issue. It takes precedence over any and all other terms and conditions. By signing this proposal you are acknowledging this statement.**



# CONSENT AGENDA ITEM 304

CITY COMMISSION AGENDA | APRIL 29, 2024 REGULAR MEETING

## **TITLE**

Approval of the Minutes from the Monday, April 8, 2024 City Commission Regular Meeting

## **SUMMARY**

## **FUNDING SOURCE**

## **RECOMMENDATION**

Staff recommends the Commission approve the April 8, 2024 City Commission Regular Meeting minutes as presented.



# **CITY COMMISSION**

## **REGULAR MEETING MINUTES**

**MONDAY, APRIL 8, 2024 AT 6:30 PM**

CITY HALL – COMMISSION CHAMBERS  
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA

## **CALL TO ORDER**

Mayor Kevin McCann called the Regular Meeting of Monday, April 8, 2024 of the City Commission to order at 6:30 p.m. in the Commission Chambers of the Municipal Building (City Hall, 1126 East State Road 434, Winter Springs, Florida 32708).

### **Roll Call:**

Mayor Kevin McCann, present  
Deputy Mayor Matt Benton, present  
Commissioner Victoria Bruce, present  
Commissioner Ted Johnson, absent  
Commissioner Cade Resnick, present  
Commissioner Rob Elliott, present  
Interim City Manager Phil Hursh, present  
City Attorney Anthony Garganese, present  
City Clerk Christian Gowan, present

Pastor Kyle Stewart led the invocation followed by the Pledge of Allegiance.

Mayor McCann asked if there were any changes to the agenda and noted he would like to add a regular agenda item to address questions related to the recent visit of the Inspector General. Commissioner Bruce asked that Consent Agenda Items 301, 302, and 303 be discussed prior to approval. No other changes were made and the agenda was adopted.

## **AWARDS AND PRESENTATIONS**

**100. Not Used**

## **INFORMATIONAL AGENDA**

**200) Current Development Projects Summary**

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No discussion.

## **PUBLIC INPUT**

*Mayor McCann opened Public Input.*

*Ms. Leah Weisman, 113 Brookshire Court, Winter Springs shared concerns about creek cleaning and clearing in her area.*

*Mr. Robert Miller, 679 Silver Creek Drive, Winter Springs read a statement he prepared regarding the use of certain language.*

*Mayor McCann closed Public Input.*

## **CONSENT AGENDA**

**300) Donation of Fishing Poles for Fish Winter Springs 2024**

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No discussion.

**301) 2024 Financial Forecast**

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Mr. Bilal Iftikhar, Director, Utilities Department explained that this item was related to the continuation of the rate study to determine sufficient revenue for ongoing projects.

Discussion followed on potential future rate increases and the status of the City's first State Revolving Fund Loan (SRF).

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**302) Potable Water Pipe Inventory and Improvement Plan**

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Mr. Iftikhar noted his previous presentation and explained that this item related to plans to repair and replace potable water lines.

Discussion followed on the inventory process, GIS and mapping updates to avoid future water main breaks, and impacts on water quality.

Mr. Iftikhar noted that the City's water met all Florida Department of Environmental Protection (FDEP) requirements and ongoing work to continue to address aesthetic issues.

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**303) Selection of RFP#03-24-01 TR 2050 Comprehensive Plan Services**

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Ms. Terrilyn Rolle, Director, Community Development Department noted this item was related to planned Comprehensive Plan updates, state requirements, and the timeline for this project.

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**304) Approval of the Minutes from the Monday, March 25, 2024 City Commission Regular Meeting**

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No discussion.

**"MOTION TO APPROVE CONSENT AGENDA." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER ELLIOTT. DISCUSSION.**

**VOTE: BRUCE (AYE); RESNICK (AYE); ELLIOTT (AYE); BENTON (AYE)  
MOTION CARRIED 4-0.**

**PUBLIC HEARINGS AGENDA****400) Second Reading of Ordinance Number 2024-04: 4301 SR 419 - Voluntary Annexation of Real Property**

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**Attorney Garganese read Ordinance 2024-04 by title for Second Reading and noted no changes since first reading.**

*Mayor McCann opened the Public Hearing for Item 400.*

*No one addressed the Commission.*

*Mayor McCann closed the Public Hearing for Item 400*

**"MOTION TO APPROVE ITEM 400." [APPROVAL OF THE SECOND READING OF ORDINANCE NUMBER 2024-04: 4301 SR 419 - VOLUNTARY ANNEXATION OF REAL PROPERTY] MOTION BY COMMISSIONER RESNICK. SECONDED BY DEPUTY MAYOR BENTON. DISCUSSION.**

**VOTE: BRUCE (AYE); RESNICK (AYE); ELLIOTT (AYE); BENTON (AYE)  
MOTION CARRIED 4-0.**

**REGULAR AGENDA****500) Agreement with Slavin Management Consultants for Executive Search Services**

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Mr. Bob Slavin, Slavin Management Consultants was present via Zoom, noted his work around the area and that he was looking forward to assisting the City.

Discussion followed on the proposed timeline and process, the need to meet with individual Commissioners and the Mayor, the previous process, and advertising.

The Mayor and Commission discussed availability for meetings with Mr. Slavin and it was agreed that these meetings would be held Friday, April 19, 2024 with the Mayor reaching out to further coordinate the process.

**"MOTION TO APPROVE ITEM 500." MOTION BY COMMISSIONER RESNICK. SECONDED BY COMMISSIONER BRUCE. DISCUSSION.**

**VOTE: BRUCE (AYE); RESNICK (AYE); ELLIOTT (AYE); BENTON (AYE)  
MOTION CARRIED 4-0.**

**501) Appointment Opportunities for City Boards and Committees**

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Mr. Gowan noted that Commissioner Johnson had submitted a nomination for Kim Bean to be appointed to the Veteran and Veteran Families Advisory Committee<sup>1</sup>.

**MOTION TO APPOINT KIM BEAN TO THE VETERAN AND VETERAN FAMILIES ADVISORY COMMITTEE. MOTION BY DEPUTY MAYOR BENTON. SECONDED BY COMMISSIONER BRUCE. DISCUSSION.**

**VOTE: BRUCE (AYE); RESNICK (AYE); ELLIOTT (AYE); BENTON (AYE)  
MOTION CARRIED 4-0.**

**501a) ADD-ON: Questions about Inspector General Visit**

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Mayor McCann explained that he had reached out and invited Chief Inspector General Melinda Miguel to the City for a meeting which took place March 27, 2024, noted he thought it was a productive meeting, passed out documents<sup>2</sup>, sought to clarify the City was not under investigation, and invited questions from the Commission.

Discussion followed on the status of the City's Annual Comprehensive Financial Report (ACFR), the authority of the Inspector General's Office, concerns that information was not shared prior to the meeting occurring, the role of the Mayor, and the authority of the Commission.

**502) New Business**

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Commissioner Resnick asked that invocations be non-denominational, requested a weekly email from the City Manager with updates on the City and ongoing projects, asked for an update on a matter involving pension benefits that were paid to a deceased individual, and reiterated a request to discuss waterway, pond, and stormwater updates.

Commissioner Bruce noted ongoing issues related to noise coming from the Central Winds Park lights and working with Staff to determine a fix. Commissioner Bruce also asked about the possibility of streaming meetings on YouTube, Facebook, or the Florida Channel.

Mr. Gowan asked the Commission to consider a monetary threshold for Consent Agenda items to eliminate confusion in agenda preparation and better facilitate meetings. Discussion followed and the Commission did not wish to put monetary thresholds in place.

Interim Manager Hursh discussed the budget process and proposed workshops. Discussion then followed on Commission meetings with directors to discuss budget needs.

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<sup>1</sup> See attached provided by Commissioner Johnson

<sup>2</sup> See attached provided by Mayor McCann

## REPORTS

### 600) Interim City Manager Phil Hursh

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- Provided an update on City projects including...

### 601) City Attorney Anthony A. Garganese

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- No report

### 602) City Clerk Christian Gowan

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- No report

### 603) Mayor Kevin McCann

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- Noted attendance at the Easter egg hunt event and the recent Tusawilla HOA Family Fun Day.
- Noted April 13<sup>th</sup> was the pickleball ribbon cutting

### 604) Seat One Commissioner/Deputy Mayor Matt Benton

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- Commented on the popularity of pickleball
- Noted his continued participation in Leadership Seminole and the upcoming graduation on May 17, 2024 for which the City had a table
- Noted construction work on Murphy Road

### 605) Seat Two Commissioner Victoria Bruce

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- No report

### 606) Seat Three Commissioner Ted Johnson - ABSENT

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### 607) Seat Four Commissioner Cade Resnick

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- Thanked Staff for their communication and work related to a leak in Wildwood
- Acknowledged the recent passing of Easter and Ramadan and the upcoming Passover
- Noted his planned attendance at the April 13 pickleball opening

### 608) Seat Five Commissioner Rob Elliott

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- Commented on the upcoming pickleball grand opening and his planned attendance

## PUBLIC INPUT

*Mayor McCann opened Public Input.*

*Mr. Art Gallo, 199 Nandina Terrace, Winter Springs thought the Mayor was within his authority regarding the recent Inspector General meeting but noted concerns about not sharing information were valid.*

*Mr. William Morrissey, 965 Sequioia Drive, Winter Springs spoke regarding his understanding of the Mayor's role and ability to meet with directors.*

*Ms. Leah Weisman, 113 Brookshire Court, Winter Springs spoke about communication efforts and areas for improvement.*

*Ms. Moearii Evans, 848 Leopard Trail, Winter Springs asked about the status of the Inspector General's evaluation.*

*Mayor McCann closed Public Input.*

**ADJOURNMENT**

Mayor McCann adjourned the meeting at 8:44 p.m.

RESPECTFULLY SUBMITTED:

\_\_\_\_\_  
CHRISTIAN D. GOWAN, MPA  
CITY CLERK

APPROVED:

\_\_\_\_\_  
MAYOR KEVIN McCANN

NOTE: These Minutes were approved at the \_\_\_\_\_ City Commission Regular Meeting.

The following was provided to the City Clerk by Commissioner Ted Johnson prior to the April 8, 2024 City Commission Meeting and distributed for consideration during Item 500.

## **City Commissioner's Meeting, April 8<sup>th</sup>, 2024**

Under Regular Agenda Item: Appointment Opportunities for City Boards and Committees:

I nominate Seat 3 resident Kim Bean to serve on the Veteran and Veteran Family Advisory Committee. Kim is a veteran and works with our Hometown Hero, Laurel Ross, at the American Legion. She is anxious to help the City of Winter Springs by serving in this capacity.

Of note: The City Charter under Article III, Boards, Committees, Commissions SEC. 2-41 does not have language requiring that the nominating commissioner be physically present to make a nomination. Given that the next Veteran and Veteran Family Advisory Committee meeting is scheduled for April 11, I would ask that this appointment be approved to help assure that the committee has a quorum to proceed with the business of the committee.

Thank you for considering Kim Bean to serve our community,

Ted Johnson

Seat 3 Commissioner

The following documents were referenced and entered into the record by Mayor Kevin McCann durin Item 501a of the April 8, 2024 City Commission Regular Meeting



RON DESANTIS  
GOVERNOR

STATE OF FLORIDA

# Office of the Governor

THE CAPITOL  
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com  
850-717-9418

April 4, 2024

Kevin McCann, Mayor  
City of Winter Springs  
[kmccann@winterspringsfl.org](mailto:kmccann@winterspringsfl.org)

**RE: City of Winter Springs**

Dear Mayor McCann:

Thank you for the opportunity to meet with the City of Winter Springs (City) leadership on Wednesday, March 27, 2024. The Office of the Chief Inspector General (OCIG) thoroughly appreciates our visit and the time you took to share information about your City, including the tour of the wastewater reclamation facility.

In furtherance of our evaluation under section 218.503, Florida Statutes, we want to request the current status of any corrective actions, either planned or completed, for those reviews listed on the attached *Corrective Action Response Chart for City of Winter Springs*. We would also like to request a copy of the agreement between the City and the contractor maintaining the wastewater reclamation facility. We would like to see a summary of annual expenditures for this facility, including costs for the independent professional engineer, and any associated fines and penalties. The OCIG would like to request this information by **May 15<sup>th</sup>, 2024**. Further, we would like to request the 2023 Annual Comprehensive Financial Report as soon as it becomes available.

If you have any questions or concerns, please do not hesitate to contact our office by calling (850) 717-9264 and ask for either Chief Inspector General Melinda M. Miguel or Director of Auditing Steven Henry.

Thank you for your assistance with this matter.

Respectfully,

Melinda M. Miguel  
Chief Inspector General  
Office of the Chief Inspector General

cc: Senator Jason Brodeur, District 10  
Representative David Smith, District 38  
Matt Benton, Deputy Mayor and District 1 City Commissioner  
Victoria Bruce, District 2 City Commissioner  
Ted Johnson, District 3 City Commissioner  
Cade Resnick, District 4 City Commissioner  
Rob Elliot, District 5 City Commissioner  
Phillip Hursh, Interim City Manager  
Bilal Iftikhar, Director of Utilities  
Holly Queen, Finance Director

# The Florida Senate

## 2012 Florida Statutes

<p><u>Title XIV</u> TAXATION AND FINANCE</p>	<p><u>Chapter 218</u> FINANCIAL MATTERS PERTAINING TO POLITICAL SUBDIVISIONS</p> <p><a href="#">Entire Chapter</a></p>	<p><b>SECTION 503</b> <b>Determination of financial emergency.</b></p>
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### **218.503 Determination of financial emergency. —**

(1) Local governmental entities, charter schools, charter technical career centers, and district school boards shall be subject to review and oversight by the Governor, the charter school sponsor, the charter technical career center sponsor, or the Commissioner of Education, as appropriate, when any one of the following conditions occurs:

(a) Failure within the same fiscal year in which due to pay short-term loans or failure to make bond debt service or other long-term debt payments when due, as a result of a lack of funds.

(b) Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds.

(c) Failure to transfer at the appropriate time, due to lack of funds:

1. Taxes withheld on the income of employees; or
2. Employer and employee contributions for:
  - a. Federal social security; or
  - b. Any pension, retirement, or benefit plan of an employee.

(d) Failure for one pay period to pay, due to lack of funds:

1. Wages and salaries owed to employees; or
2. Retirement benefits owed to former employees.

(2) A local governmental entity shall notify the Governor and the Legislative Auditing Committee; a charter school shall notify the charter school sponsor, the Commissioner of Education, and the Legislative Auditing Committee; a charter technical career center shall notify the charter technical career center sponsor, the Commissioner of Education, and the Legislative Auditing Committee; and a district school board shall notify the Commissioner of Education and the Legislative Auditing Committee, when one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, charter technical career center, or district school board. In addition, any state agency must, within 30 days after a determination that one or more of the conditions specified in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity, charter school, charter technical career center, or district school board, notify the Governor, charter school sponsor, charter technical career center sponsor, or the Commissioner of Education, as appropriate, and the Legislative Auditing Committee.

(3) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity or district school board, the Governor or his or her designee shall contact the local governmental entity or the Commissioner of Education or his or her designee shall contact the district school board to determine what actions have been taken by the local governmental entity or the district school board to resolve or prevent the condition. The information requested must be provided within 45 days after the date of the request. If the local governmental entity or the district school board does not comply with the request, the Governor or his or her designee or the Commissioner of Education or his or her designee shall notify the members of the Legislative Auditing Committee who may take action pursuant to s. [11.40](#). The Governor or the Commissioner of Education, as appropriate, shall determine whether the local governmental entity or the district school board needs state assistance to resolve or prevent the condition. If state assistance is needed, the local governmental entity or district school board is considered to be in a state of financial emergency. The Governor or the Commissioner of Education, as appropriate, has the authority to implement measures as set forth in ss. [218.50-218.504](#) to assist the local

governmental entity or district school board in resolving the financial emergency. Such measures may include, but are not limited to:

(a) Requiring approval of the local governmental entity's budget by the Governor or approval of the district school board's budget by the Commissioner of Education.

(b) Authorizing a state loan to a local governmental entity and providing for repayment of same.

(c) Prohibiting a local governmental entity or district school board from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the local governmental entity or district school board as are needed. The appropriate local officials shall cooperate in such inspections and reviews.

(e) Consulting with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.

(f) Providing technical assistance to the local governmental entity or the district school board.

(g)1. Establishing a financial emergency board to oversee the activities of the local governmental entity or the district school board. If a financial emergency board is established for a local governmental entity, the Governor shall appoint board members and select a chair. If a financial emergency board is established for a district school board, the State Board of Education shall appoint board members and select a chair. The financial emergency board shall adopt such rules as are necessary for conducting board business. The board may:

a. Make such reviews of records, reports, and assets of the local governmental entity or the district school board as are needed.

b. Consult with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports of the local governmental entity or the district school board into compliance with state requirements.

c. Review the operations, management, efficiency, productivity, and financing of functions and operations of the local governmental entity or the district school board.

d. Consult with other governmental entities for the consolidation of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

2. The recommendations and reports made by the financial emergency board must be submitted to the Governor for local governmental entities or to the Commissioner of Education and the State Board of Education for district school boards for appropriate action.

(h) Requiring and approving a plan, to be prepared by officials of the local governmental entity or the district school board in consultation with the appropriate state officials, prescribing actions that will cause the local governmental entity or district school board to no longer be subject to this section. The plan must include, but need not be limited to:

1. Provision for payment in full of obligations outlined in subsection (1), designated as priority items, which are currently due or will come due.

2. Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.

3. The prohibition of a level of operations which can be sustained only with nonrecurring revenues.

4. Provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

(4)(a) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the charter school, the charter school sponsor or the sponsor's designee and the Commissioner of Education shall contact the charter school governing body to determine what actions have been taken by the charter

school governing body to resolve or prevent the condition. The Commissioner of Education has the authority to require and approve a financial recovery plan, to be prepared by the charter school governing body, prescribing actions that will resolve or prevent the condition.

(b) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the charter technical career center, the charter technical career center sponsor or the sponsor's designee and the Commissioner of Education shall contact the charter technical career center governing body to determine what actions have been taken by the governing body to resolve or prevent the condition. The Commissioner of Education may require and approve a financial recovery plan, to be prepared by the charter technical career center governing body, prescribing actions that will resolve or prevent the condition.

(c) The Commissioner of Education shall determine if the charter school or charter technical career center needs a financial recovery plan to resolve the condition. If the Commissioner of Education determines that a financial recovery plan is needed, the charter school or charter technical career center is considered to be in a state of financial emergency.

The Department of Education, with the involvement of sponsors, charter schools, and charter technical career centers, shall establish guidelines for developing a financial recovery plan.

(5) A local governmental entity or district school board may not seek application of laws under the bankruptcy provisions of the United States Constitution except with the prior approval of the Governor for local governmental entities or the Commissioner of Education for district school boards.

(6) The failure of the members of the governing body of a local governmental entity or the failure of the members of a district school board to resolve a state of financial emergency constitutes malfeasance, misfeasance, and neglect of duty for purposes of s. 7, Art. IV of the State Constitution.

**History.**—s. 8, ch. 79-183; s. 54, ch. 89-169; s. 1180, ch. 95-147; s. 27, ch. 96-324; s. 29, ch. 97-96; s. 132, ch. 99-251; s. 1, ch. 2001-354; s. 35, ch. 2004-305; s. 5, ch. 2006-190; s. 6, ch. 2007-6; s. 5, ch. 2009-214; s. 21, ch. 2011-144; s. 2, ch. 2012-38.

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# REGULAR AGENDA ITEM 500

CITY COMMISSION AGENDA | APRIL 29, 2024 REGULAR MEETING

## TITLE

West WRF (Water Reclamation Facility), Disk Filter Purchase

## SUMMARY

The West WRF is located in the western part of the City and provides wastewater treatment service and reclaimed water (RCW) to the City's RCW distribution system.

During the cleaning and rehabilitation of the WRF a temporary disk filter was added to the treatment process to provide additional filtration capacity. The existing sand filters are beyond the end of their service life and do not respond to changes in TSS well.

The existing sand filters will be replaced with the new WRF construction. The temporary disk filter has provided additional reliability so that the facility can continue to produce public access RCW.

Invitation to Bid (ITB) #05-21 JN for West Water Reclamation Facility Temporary Disk Filter was approved by Commission September 27, 2021 to Veolia Water Technologies, Inc. (VWT) as the lowest most responsible bidder. The equipment has performed well since deployment and has been leased on a month-to-month rental basis. The new WRF design is in progress and the new construction will be a number of years before completion. It has been determined the best path forward is to retain the existing disk filter equipment for reliability. The unit is still relatively new and should not have any major cost expenditures for some years. The City would incur significant cost to disconnect and return the existing rental equipment plus additional cost to install a new unit. A new disk filter is currently estimated to have a 22 to 36 week lead time for delivery.

VWT and City staff have worked collaboratively to develop the lease-purchase agreement. The City will purchase the disc filter for a total of \$354,150.00 for the equipment as outlined in the agreement, including spare parts and onsite services for 12 months. The City will continue to pay the monthly rental fee of \$16,450 during the purchase payment period anticipated to be six months, which will be applied to the purchase price. The City will make three additional lump sum payments during the 6 month period to acquire ownership of the disc filter, totaling \$255,450.00. The demobilization fee under the existing lease will not be charged and the transportation trailer will be returned to VWT. The equipment will become City property at the end of the purchase agreement time frame. VWT is offering an additional 12 months of service visits (six visits over months 13 to 24) for \$19,985. One set of replacement panels is currently \$52,500 plus freight.

Pursuant to Section 180.24, Florida Statutes, the need to purchase a disc filter was advertised by posting three notices in three conspicuous places in the City, one of which was on the door of the city hall, at least 10 days prior to the City Commission meeting. Further, Staff requests the City Commission waive the City's competitive bidding requirements of the City's Purchasing Policy for this equipment as the purchase is in the best interest of the City. As stated above, the City would incur significant cost to disconnect and return the existing rental equipment plus additional cost to install a new unit, which would have to be fitted for use at the plant. A new disk filter is currently estimated to have a 22 to 36 week lead time for delivery.

## **FUNDING SOURCE**

## **RECOMMENDATION**

Staff requests the City Commission to waive the competitive bidding requirement of the City Purchasing Policy adopted by Resolution 2023-20 as it is in the best interest of the City for the purchase of the disc filter from Veolia Water Technologies, Inc. and to approved the lease-purchase agreement for the disc filter in the amount of \$354,150.00, as well as the purchase of an additional 12 months of service (months 13 to 24) for \$19,985, and a complete set of replacement panels for \$52,500 plus a 10% contingency of \$5,250 (contingency for panels only) for a total of \$431,885.00.

Additionally, authorization for the City Manager and City Attorney is requested to prepare and execute any and all applicable documents consistent with this Agenda item.



# REGULAR AGENDA ITEM 501

CITY COMMISSION AGENDA | APRIL 29, 2024 REGULAR MEETING

## TITLE

New Business

## SUMMARY

Pursuant to Sec 2-27 (c)(2) of the City Code, "Unless otherwise determined by the city commission, each regular agenda shall have a new business section, in the order on the agenda approved by the city commission, which allows the mayor, any city commissioner, city manager or city attorney an opportunity to raise, if necessary, new issues not on the agenda that require discussion and potential future direction by the city commission. The new business section shall not be used to present items requiring prior public notice or hearing, for reports allowed under subsection (m), or be used as a substitute for timely placing items on the agenda prior to the agenda packet being distributed or as an add-on item as required by subsection (b). The city commission will not take final action on any new business item that is considered a major initiative and/or initiative that would ordinarily require significant city staff research. Persons introducing new business items are encouraged to provide background information regarding the item prior to or at the meeting in the same manner as permitted for reports under subsection (m)(4)."

## FUNDING SOURCE

## RECOMMENDATION

Staff recommends the Mayor and Commission bring forward any new business they wish to have placed on a future agenda.