



**City Council
November 14, 2022
Council Chambers
6:30 PM**



WELCOME to our City Council meeting. In the interest of time efficiency, the following will prevail for comments by the public. Each speaker will be permitted up to 3 minutes to state his/her case. Group presentations will be permitted 3 speakers including the spokesperson - each being limited to up to 3 minutes. No speakers will be interrupted. Please silence all electronic devices during the meeting. THANK YOU for participating in your City Government.

- I. Call to Order
- II. Moment of Silence
- III. Pledge of Allegiance
- IV. Presentations
 1. Proclamation New Hope For Kids
- V. Old Business
- VI. Consent Agenda
 1. City Council Meeting Minutes of October 24, 2022
 2. Special City Council Meeting Minutes of November 1, 2022
 3. Piggyback Contract - The Davey Tree Company for Arbor Vegetation Management Services
 4. Piggyback Contract - Carrier Global Corporation for HVAC Equipment, Products, and Services
 5. Piggyback Contract - Odyssey Manufacturing for Chemical Purchases
 6. Memo Of Understanding Agreement with City of Casselberry for Billing of Wastewater Services
 7. General Fund Budget Amendment
 8. Carry Forward Funds from FY 2022
 9. Master Equity Lease Agreement for Fleet Vehicles - Enterprise FM Trust
 10. Holiday Lighting Purchase for Independence Square and Lake Lily Park
 11. Godwin Portable Bypass Pumps Purchase (2) - Xylem Water Solutions USA, Inc.
 12. Sole Source Purchase for Myers Submersible Pumps and Replacement Parts - Custom Pumps & Controls
 13. Benjamin Ave Emergency Stormwater Pipe Repair - Cathcart Construction Company
 14. Professional Services Agreement - Tidal Basin

- VII. Public Period
- VIII. Decisions
 - 1. Planning and Zoning Commission Appointment
- IX. Discussion
 - 1. Proposed Electrical Upgrades Update Provided by Duke Energy
- X. City Manager's Report/City Attorney/Council Reports
- XI. Adjournment

Notice: Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office (407-539-6219) 48 hours in advance of the meeting.

Disclaimer: Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and to stand and recite the Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

MEETING DATE		AGENDA
November 14, 2022		Section: Presentations
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.

Subject: Proclamation New Hope For Kids
Requested Action or Motion: Proclamation Presentation
Summary Explanation & Background: Ms. Gloria Capozzi is the Director of Marketing / Volunteer Engagement for New Hope for Kids and has requested a proclamation for Children's Grief Awareness Day. New Hope for Kids is a registered 501(c)(3). Since 1996, New Hope for Kids has been helping Central Florida children in need. Their purpose is to bring hope, healing and happiness to children and families suffering from grief, loss or life-threatening illnesses. New Hope for Kids achieves this through two programs: The Center for Grieving Children to aid children and families coping with the feelings of grief and loss after the death of a loved one. Wishes for Kids grants wishes to children up to age 19, diagnosed with a life-threatening illness. Approximately 400 children and their families utilize and benefit from the Center for Grieving annually and 50 wishes are granted per year. For additional information, including ways to help visit New Hope for Kids located at 544 Mayo Ave or newhopeforkids.org .
Fiscal Impact: N/A
Exhibits: 1. Proclamation - Children's Grief Awareness Day 2022
Commission/Board: City Council
Contact Person: Lori Hollingsworth 407-539-6219
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.
Subject: City Council Meeting Minutes of October 24, 2022		
Requested Action or Motion: Move to approve the City Council meeting minutes of October 24, 2022 as presented.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Draft Minutes 10-24-2022		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : City Clerk	AGENDA REPORT	Item #: 2.
Subject: Special City Council Meeting Minutes of November 1, 2022		
Requested Action or Motion: Move to approve the Special City Council meeting minutes of November 1, 2022.		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. Special CC Draft Minutes 11-1-2022		
Commission/Board: City Council		
Contact Person: Lori Hollingsworth 407-539-6219		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 3.
Subject: Piggyback Contract - The Davey Tree Company for Arbor Vegetation Management Services		
Requested Action or Motion: Move to authorize the Interim City Manager to execute a piggyback contract with The Davey Tree Expert Company for vegetative management services.		
Summary Explanation & Background: Over the past several years, the City has successfully utilized the City of Winter Park's contract with A Budget Tree Service for right of way tree pruning, tree removal and emergency tree services. A Budget Tree Services, Inc., has been a reliable contractor and responsive to emergency situations. However, there are periods when the city would benefit from having another contractor available to reduce the backlog for tree trimming and removal services. The Davey Tree Expert Company was awarded the same contract with Winter Park (ITB-23-2018) and provides similar services to A Budget Tree Service. Davey has an excellent reputation in the arbor industry. In addition, Davey is a national company with a significant local presence and staffing. Having an additional arbor care company available to assist the City would allow for a greater level of service to be provided to the City's residents. The amount to be expended will exceed the City Manager's purchasing threshold and will be paid from available funds budgeted in the General Fund Beautification and Arbor Services accounts. Staff recommends City Council authorize the Interim City Manager to execute a piggyback contract on the Winter Park ITN-23-2018 contract with The Davey Tree Expert Company, through December 18, 2022, and any future extension (December 2024).		
Fiscal Impact: Funding is available in the General Fund Beautification and Arbor Services accounts.		
Exhibits:		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 4.

Subject: Piggyback Contract - Carrier Global Corporation for HVAC Equipment, Products, and Services
Requested Action or Motion: Move to authorize the Interim City Manager to execute a contract with Carrier Global Corporation for HVAC equipment, products, and services.
Summary Explanation & Background: Each year, Public Works staff budgets funds for annual maintenance and repairs of the HVAC systems City wide. This maintenance includes an annual preventative maintenance service, filter change, and maintenance inspection per unit. Beyond the annual scheduled service, additional maintenance, repairs, service, and replacements may be required. Due to limited staffing, the technical expertise required, and necessary equipment needed to perform these services, Public Works recommends hiring a contractor to perform these tasks. After research and review of available piggyback options with qualified contractors in the area, the Public Works Department is proposing to contract with Carrier Global Corporation to perform the work utilizing the Sourcewell Contract Number 070121-CAR, which is in effect from October 7, 2021, until August 12, 2025. This contract may be extended by one additional year at Sourcewell's request. The amount to be expended will exceed the City Manager's purchasing threshold and will be paid from available funds budgeted in the Facilities Maintenance operating and capital improvement funds. Staff recommends City Council authorize the Interim City Manager to execute a piggyback contract on the Sourcewell Contract Number 070121-CAR with Carrier Global Corporation, through August 12, 2025, and any additional extensions.
Fiscal Impact: Funding is available in the General Fund Facilities Maintenance and Capital Improvement accounts.
Exhibits:
Commission/Board: City Council
Contact Person: Kimberley Tracy 407-539-6216
Reviewed by City Attorney Jacob Schumer

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 5.

Subject: Piggyback Contract - Odyssey Manufacturing for Chemical Purchases
Requested Action or Motion: Move to authorize the Interim City Manager to execute a piggyback contract with Odyssey Manufacturing for the bulk purchase of Sodium Hypochlorite.
Summary Explanation & Background: The City of Maitland's water treatment facilities (water plants) utilize liquid sodium hypochlorite (chlorine) for disinfection treatment of potable water. The liquid form of chlorine is the safest and most cost effective disinfectant. Odyssey Manufacturing Co. has been supplying the City of Maitland with sodium hypochlorite for the past ten years. The current piggyback contract expired September 30, 2022 and Odyssey elected not to renew the contract due to recent inflation. Odyssey has agreed to utilize a piggyback agreement with the City of Lake Wales for the sale of sodium hypochlorite at \$1.08 per gallon. This contract is valid through September 20, 2023 with an additional one (1) year renewal option available (through September 2024). Based on the yearly usage of this chemical, it is anticipated that expenditures will exceed the City Manager's purchasing threshold for FY 2023 and future years. Staff recommends authorizing the Interim City Manager to execute a piggyback contract with Odyssey Manufacturing Co. off of the City of Lake Wales Contract ITB 21-488 for sodium hypochlorite through the current expiration date and any future extensions (September 2024).
Fiscal Impact: Funds available in fund 41303533-535251
Exhibits:
Commission/Board: City Council
Contact Person: Kimberley Tracy 407-539-6216
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 6.
Subject: Memo Of Understanding Agreement with City of Casselberry for Billing of Wastewater Services		
Requested Action or Motion: Move to approve signing Memo of Understanding with the City of Casselberry to perform sewer utility billing services for specified residences in the City of Maitland.		
Summary Explanation & Background: The City is currently installing Sewer services for approximately 447 homes in the Dommerich Hills neighborhood as noted in Attachment A. The infrastructure comprising facilities to support sewer services will be owned and operated by the City of Maitland. The City of Casselberry owns the water distribution system for this section of the City. Water and Sewer services are typically billed together as the sewer charges are based on the metered water consumption. Since the City of Casselberry is already reading the water meters and has the means to suspend water services for non-payment, the City of Maitland approached Casselberry and inquired regarding the ability to bill their water customers for Maitland sewer. Casselberry informed Maitland that they already perform a similar service for Seminole County and provided the attached Memo Of Understanding (MOU) to facilitate and provide the basis for the service. Casselberry currently charges \$3.00 per month for this service, the charges of which will be passed along in the monthly bill. The agreement will be effective once executed by both parties, but services and billing will begin as residences are connected or have availability to Maitland's sanitary sewer system, as provided by City Ordinance Sec. 20.38.		
Fiscal Impact: None		
Exhibits: 1. Memorandum of Understanding (MOU) with Maitland 11.14.22 2. Dommerich map		
Commission/Board: City Council		
Contact Person: Jerry Gray 407-539-6201		
Reviewed by City Attorney Jacob Schumer		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 7.

Subject:

General Fund Budget Amendment

Requested Action or Motion:

Move to increase the FY 2022 General Fund budget by \$1,215,000 and appropriating \$1,215,000 to the Capital Improvements Bicycle/Sidewalk projects to be carried forward to FY 2023.

Summary Explanation & Background:

In September 2021 (FY 2022), the City Council adopted the General Fund budget. Staff pushed out several projects to lower the impact of fund balance in an attempt to balance the budget with reduced revenues anticipated due to the impact of COVID-19. Staff has been monitoring actual versus projected revenues, with the intent of restoring projects and appropriating additional funds as projects costs come in higher than originally budgeted. A mid-year review and the resulting revised projections have increased the FY 2022 General Fund revenue budget by \$2.7 million. Those additional funds will be transferred into the City Council's contingency account. The majority of the increase is a result of State Sales Tax and State Revenue Sharing returning to pre-pandemic monthly amounts (\$1.2 million), strong Building Permit / Plan Review (\$1 million), Public Safety Charges (\$215 thousand), Interest Income (\$104 thousand) and other Miscellaneous Income (\$153 thousand). In addition to those budget adjustments, the ad valorem formula prescribes a mandated 95% budget. However, actual revenues typically come in higher than budget, and this year is no exception (\$181 thousand).

The FY 2022 Budget was approved with a \$1,831,700 use of Fund Balance, of which, \$1,105,830 was covered by the CRA Repayment of Advance to the General Fund, leaving \$725,870 use of Fund Balance. In addition, the Council approved the use of \$559,400 for Fort Maitland and \$180,835 for Dommerich Hills Traffic Calming. When staff identified the overage, the first priority was to restore the approved use of Fund Balance. The requested appropriation is in addition to restoring the approved use of Fund Balance (\$1,466,105).

The staff is recommending appropriating \$1,215,000 of the estimated additional revenue to the Capital Improvements Program for sidewalks, boardwalks and the newly passed school signage standard. The funding would be used to complete the School Zone Traffic Control Updates (\$300,000) and Pedestrian / Bicycle Paths in Maitland Community Park and Lake Ave (\$915,000).

The 2022 Carryforward request is predicated on Council appropriating the additional funds.

In addition, the City has been working with FEMA to finalize the reimbursement for Hurricane Irma in 2017 (FY 2018). FEMA has obligated \$1,751,159 and the state has obligated \$86,190, subject to final determination. This has allowed the City to record the Grant revenue effective for FY 2022. This \$1,837,349 will be applied to the Emergency/Disaster Fund Balance Designation, with any future reduction in funding from FEMA or State to be taken back from the same Designation.

Fiscal Impact:

Increases FY 2022 General Fund budget by \$2.7 million and replenishes Fund Balance \$1,466,000.

Exhibits:

Commission/Board: City Council

Contact Person: Jerry Gray 407-539-6201

Reviewed by City Attorney

N/A

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 8.
Subject: Carry Forward Funds from FY 2022		
Requested Action or Motion: Move to approve the recommended Carry Forward listing and to amend the FY 2023 General Fund expenditure budget by \$6,944,700 and revenue budget \$350,000; Stormwater Fund budget by \$1,582,000; Road Impact Fund \$800,000; and, Utilities Fund expenditure budget by \$9,066,880 and revenue budget by \$819,000.		
Summary Explanation & Background: Attached is a listing of items staff recommends to be carried forward as an adjustment to the 2023 Budget. This listing represents specific items or projects funded or carried forward from the FY 2022 amended budget, but not spent or encumbered prior to September 30, 2022. Each item has been reviewed and recommended by the Department Head and the City Manager. The majority of the General Fund carry forwards' are related to transportation - new sidewalks (\$1.4M), bike paths (\$1.2M), roads and street improvements (\$1.6M), facilities repair and maintenance (\$972K) and grant revenues of \$350,000. In the Stormwater fund, the majority related to drainage capital projects (\$1.3M). Road Impact Fund (\$800K) for Independence Lane North easement. In the Utilities Fund, the largest portion of the funds carried forward relate to the second phase of the 17-92 water main project (\$7.5M), Mohican water lines (\$435K), Water Treatment Plant #6 (\$400K), and grant/contribution revenues of \$819,000. The staff is recommending approval of the Carry Forward listing and corresponding budget adjustments.		
Fiscal Impact: Reduces the FY 2022 and increases the FY 2023 General Fund expenditure budget by \$6,944,700 and revenue budget by \$350,000; Stormwater Fund budget by \$1,582,000; Road Impact Budget \$800,000; and, Utilities Fund expenditure budget by \$9,066,880 and revenue budget by \$819,000.		
Exhibits: 1. CF23		
Commission/Board: City Council		
Contact Person: Jerry Gray 407-539-6201		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Finance Department	AGENDA REPORT	Item #: 9.

Subject:

Master Equity Lease Agreement for Fleet Vehicles - Enterprise FM Trust

Requested Action or Motion:

Move to authorize the Interim City Manager to approve the Master Equity Lease Agreement with Enterprise FM Trust.

Summary Explanation & Background:

In an effort to provide the City with additional vehicle procurement resources necessary to perform various aspects of job responsibilities, the City must provide vehicles for staff throughout many functions within the City, including City Hall Administration, Parks, Building, Code Enforcement, Public Works, Police, Police Administration, and Fire Administration. We were presented with an option that many other cities, counties, and school boards have utilized to augment their fleet needs through a short-term lease option with Enterprise Leasing.

This master lease is a perpetual lease, where there will be numerous sub-leases for each individual vehicle that is ultimately leased through the program. In each and every case, staff will prepare an analysis and evaluation of the lease purpose, similar to what we currently do for standard vehicle replacements.

The vehicles to be leased are planned to be short-term Equity Leases of 12 months in duration, allowing the City to take advantage of the equity built in the vehicle.

The City's current sustainability plan directs staff to evaluate electric options in fulfilling our fleet needs. However, due to global supply chain issues and increased demand for electric vehicles, the City has not been able to procure electric vehicles to add to our fleet. It is anticipated that by bringing on Enterprise to assist us with fleet management, we will be able to reach our goal for a sustainable fleet.

If, at the time of vehicle need, there are not any electric options available, by utilizing a 12-month lease, the City will be utilizing the latest technology available with current emissions standards, and then be able to re-evaluate EV options after just a 12 month period rather than being locked into an 8-10 year vehicle holding period, which is our current average ownership period.

In addition to having the flexibility to acquire more sustainable options in our fleet, with the help of Enterprise, the City should also realize purchase and net cost savings on each leased vehicle, depending on the current Government Fleet pricing offered by manufacturers. After the 1 year lease, other governmental entities have been able to realize a net benefit of \$5,000 per vehicle per year. There is no guarantee that Maitland will realize returns of that much in the current market, as it is all dependent on vehicle availability and vehicle demand. However, we anticipate positive cash inflows over the term of the lease, but will still realize savings if we can cover current year depreciation costs. We further expect

savings related to the operating costs of each vehicle by replacing aged and less efficient vehicles with vehicles that are under the manufacturers' warranties and more fuel efficient or EV.

Enterprise is on the Sourcwell contract #060618-EFM | RFP #060618.

Fiscal Impact:

Budgeted vehicle replacements

Exhibits:

Commission/Board: City Council

Contact Person: Jerry Gray 407-539-6201

Reviewed by City Attorney
Jacob Schumer

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 10.
Subject: Holiday Lighting Purchase for Independence Square and Lake Lily Park		
Requested Action or Motion: Move to authorize the City Manager to purchase holiday lighting services from Lighting Pros for Independence Square Park and Lake Lily Park in the amount of \$59,833.		
Summary Explanation & Background: Lightin Pros have provided services for the city of Maitland from 2010 to 2019. For the 2021 holiday season, Lighting Pros provided updated lighting services for Independence Square and Lake Lily Parks. The cost for the lighting included storage by Lighting Pros in the off season and can easily be reinstalled for the 2022 holiday season. The procurement for the 2021 holiday season was done in compliance with Section 19 of the city's Purchasing Policy as a negotiated procurement as we could only get two of the three quotes needed due to the limited number of reputable companies available to provide this service and the availability of the vendors to meet the city's schedule to install the lighting. Lighting Pros specialize in large commercial and city applications for all aspects of outdoor lighting and holiday lighting and decor. They have provided custom lighting and decor services in the Central Florida area for 22 years. They are fully licensed and insured, as well as Low Energy and LED trained and specially licensed in Low Energy-Low Voltage applications. Lighting Pros has provided a proposal for the reinstallation and additional 1-year storage of lighting purchased in 2021 for the amount of \$21,975.00. The City is looking to build upon the lighting purchased last year and expand the decorations. As such, and in consideration of the schedule to purchase and install expanded holiday lighting decorations for this season, staff is requesting to use Lighting Pros as an evaluated source. Lighting Pros have provided a proposal for additional lighting in the amount of \$37,858.00. The combined total of \$59,833.00 exceeds the City Manager's purchasing threshold. Staff recommends authorizing the City Manager to purchase holiday lighting services from Lighting Pros as an evaluated source in the amount of \$59,833 for the 2022 holiday season.		
Fiscal Impact: Funds are budgeted in the Grounds Division operating budget		
Exhibits:		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 11.
Subject: Godwin Portable Bypass Pumps Purchase (2) - Xylem Water Solutions USA, Inc.		
Requested Action or Motion: Move to approve the purchase of two (2) Godwin portable bypass pumps from Xylem Water Solutions USA Inc. in the amount of \$117,142 utilizing Florida Sheriffs' Association Contract #FSA20-EQUI18.0.		
Summary Explanation & Background: The City operates 41 lift stations to pump the City's wastewater through the collection system for delivery and treatment through our wholesale agreements. During emergency situations when a lift station loses power or if inoperable due to a mechanical issue, staff must use a by-pass pump to keep the lift station in operation. The Wastewater Division has two portable by-pass pumps, one of which has reached its useful life and is no longer operational. Staff budgeted for its replacement in the FY23 operating budget. The second by-pass pump is also in need of replacement as the cost of future repairs will exceed the value of the pump. Given the recent need for additional by-pass pumps during Hurricane Ian, staff recommends that we purchase two by-pass pumps at this time to ensure that the city is prepared for any similar situations. The cost of one by-pump with appurtenances is \$58,571. Staff recommends purchasing two (2) portable Godwin by-pass pumps from Xylem Water Solutions USA, Inc., along with the needed appurtenances, in the total amount of \$117,142 utilizing Florida Sherri's Association Contract #FSA20-EQUI18.0.		
Fiscal Impact: Funds are budgeted in the Wastewater Operating Budget		
Exhibits:		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 12.
Subject: Sole Source Purchase for Myers Submersible Pumps and Replacement Parts - Custom Pumps & Controls		
Requested Action or Motion: Move to approve the sole source purchase of Myers submersible pumps and replacement parts for sanitary sewer lift stations from Custom Pump and Controls.		
Summary Explanation & Background: The Wastewater Division maintains multiple lift stations that were designed with Myers Pumps and strives to keep an adequate number of spare pumps on hand for emergency replacement. Staff budgets for pump replacements and parts yearly in the Wastewater Division Operating Budget. The purchases for each pump system range in cost based on the size of pump at each lift station. Staff anticipates that the yearly purchases of replacement of the Meyers pumps and parts will exceed the City Manager's approval threshold of \$50,000. Customs Pumps and Controls, Inc. is the authorized distributor for Myers Engineering products for the municipal market in the State of Florida. In accordance with the City's Purchasing Policy, approval to utilize a sole source purchase was obtained from both the Finance Director and the Interim City Manager. Staff is recommending approval to purchase Myers Pumps from Custom Pump & Controls as the sole source provider for replacement pumps and parts for as long as they are the sole provider in Florida.		
Fiscal Impact: Funds are budgeted in the Utility Fund		
Exhibits:		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 13.
Subject: Benjamin Ave Emergency Stormwater Pipe Repair - Cathcart Construction Company		
Requested Action or Motion: Move to authorize the City Manager to execute an agreement with Cathcart Construction Company in the amount of \$62,268.80 for the repair of the stormwater pipe adjacent to Benjamin Avenue.		
Summary Explanation & Background: During Hurricane Ian, a 24 inch diameter stormwater pipe that runs parallel to Benjamin Avenue failed. This caused significant erosion in the turf adjacent to the roadway that is continuing to expand. The erosion is now compromising the edge of pavement. As the City has a current contract with Cathcart Construction Company, staff requested a proposal to replace the damaged pipe utilizing the current master agreement and has proceeded with issuing an emergency purchase order. As the proposal exceeds the City Manger's purchasing threshold, staff is requesting an "after the fact" approval. Staff recommends City Council authorize an agreement with Cathcart Construction Company in the amount of \$62,268.80 to make the emergency repairs to the stormwater pipe. Funds to cover these services are budgeted within the Public Works Stormwater Division Budget.		
Fiscal Impact: Funds budgeted within the Public Works Stormwater Division budget.		
Exhibits:		
Commission/Board: City Council		
Contact Person: Kimberley Tracy 407-539-6216		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
November 14, 2022		Section: Consent Agenda
Department/Office : Fire/Rescue	AGENDA REPORT	Item #: 14.
Subject: Professional Services Agreement - Tidal Basin		
Requested Action or Motion: Move to approve an agreement with Tidal Basin Government Consulting, LLC for an amount not to exceed \$150,000 to manage the claim development and administration under Federal and State Disaster Programs for Hurricane Ian.		
Summary Explanation & Background: Immediately following hurricane Ian's impact on the City of Maitland, the City quickly took action to assess the damage and mitigate hazards by utilizing staff and existing debris management contracts. However, it became apparent that staff required assistance navigating State and Federal programs to reimburse funds used for the recovery effort. A consulting firm was sought to aid in this effort. Per the City's Purchasing Policies, the City Manager or his/her designee may make or authorize others to make emergency procurement when there exists a threat to public health, welfare, or safety. Such emergency procurements are to be made with such competition as is practicable under the circumstances. As the City has a limited time to qualify to have expenditures due to Hurricane Ian covered by FEMA at 100%, it is imperative to make sure we follow FEMA procedures and requirements as we are in the recovery stage. For this purpose, the City did not have time to go through the formal competitive bidding process and is requesting an "after the fact" approval of the agreement with Tidal Basin for consulting services. Tidal Basin Government Consulting was selected because, for the last three decades, they have assisted hundreds of public and private clients to recover from some of the world's worst disasters. Their experience in FEMA Programs, insurance, the insurance claim process, and other key grant resources make them very suitable consultants for the City. Additionally, several counties and municipalities throughout the state have utilized Tidal Basin's services. These include but are not limited to the City of Miami; the City of Fort Myers; the City of Key West; Lee County; and Monroe County. Funds expended for Tidal Basin's services associated with Hurricane Ian are reimbursable through FEMA. Staff recommends the City Council approve the agreement with Tidal Basin Government Consulting for an amount not to exceed \$150,000.		
Fiscal Impact: \$150,000		
Exhibits: 1. Maitland-TB Signed Contract		

Commission/Board: City Council
Contact Person: Will Watts 407-644-6345
Reviewed by City Attorney Jacob Schumer

MEETING DATE		AGENDA
November 14, 2022		Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 1.

Subject:
Planning and Zoning Commission Appointment

Requested Action or Motion:
Council decision to appoint one Planning and Zoning Commission member for a 3-year term.

Summary Explanation & Background:
The Planning and Zoning Commission (P&Z) has one (1) vacancy. The term of Kathleen McIver will expire November 5, 2022. In accordance with the Land Development Code (LDC) Article 2 Section 2.3 (d) (4) and the City Charter, members shall serve for a term of three (3) years and may be re-appointed by council for one (1) successive term. Kathleen McIver has served one (1) term and desires to be reappointed.

The following applicants reflect the Planning and Zoning Commission as their:

First (1st) Choice
Jody Barry
Kathleen Gallagher McIver
Gregory Hardwick
Caleb Keelan

Third (3rd) Choice
Alan DePonceau
Nathaniel Stember

Attached are their completed Volunteer to Serve on a Board / Commission forms for your review and consideration.

The City Council is requested to make one (1) appointment to serve for a three-year term, beginning November 2022, and expiring November 2025.

Fiscal Impact:
TBD

Exhibits:

1. Barry, Jody
2. Gallagher McIver, Kathleen
3. Hardwick, Gregory
4. Keelan, Caleb
5. DePonceau, Alan
6. Stember, Nathaniel

Commission/Board: City Council
Contact Person: Lori Hollingsworth 407-539-6219
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
November 14, 2022		Section: Discussion
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Proposed Electrical Upgrades Update Provided by Duke Energy		
Requested Action or Motion: Staff requests direction from City Council regarding future undergrounding projects.		
Summary Explanation & Background: As was discussed at the October 10, 2022, City Council meeting, staff has been engaging Duke Energy in conversations on the potential of undergrounding the electric system in the Dommerich Estates neighborhood since 2018. At a meeting in late July, Duke Energy representatives informed the city that they are moving forward with an undergrounding/hardening project for their system within the Dommerich Estates area in early 2023. The project consists of hardening main lines by replacing the existing overhead lines with larger and taller poles and burying distribution lines. The goal of the project is to provide improved reliability to the service area, which includes eliminating many aerial lines currently located in backyards between properties where tree coverage consistently interferes with the system. Duke Energy will be implementing this plan with their own funding and at no charge to the city. Duke informed staff that if the city prefers to underground the aerial lines that they plan to harden, staff will need to inform them as soon as possible in order for them to include this change in their construction plans. This would require the city to pay for the difference between the cost of their project and the cost to fully underground all of their systems. Attachment 1 shows the extent of the project. The lines shown in green indicate lines that are currently underground. The lines shown in blue indicate the distribution lines that will be buried at Duke Energy's cost. The lines shown in red indicate the lines that will be hardened overhead. Duke Energy's estimated cost for the project is \$6.3 million. Duke Energy's current estimated cost to the city for the burial of the lines that Duke Energy plans to harden is \$900,000. These estimated costs only cover the amount that would be paid to Duke Energy for the burial of the overhead lines that are currently proposed to be hardened. The second phase of the project is the meter conversion. The city would be responsible for coordinating all customer meter conversions relating to the lines that the city would pay to bury. Attachment 2 shows the residences that the city would be responsible for meter conversions. If the city were to undertake this portion of the project, it would include soliciting a contract for an electrical contractor or coordinating with the non-regulated division of Duke Energy to provide the service, obtaining rights-of-entry on each property, and ensuring the sites are restored. These costs could range from \$141K – \$178K depending upon the contractors' cost for conversion. Residents served by the Duke Energy portion of the project (blue lines) would not be charged for their meter conversions. If the city does not take on the meter conversion responsibility, the conversion would be the responsibility of the property owner. Duke Energy would coordinate the change out with the owner for		

the tie-in once the owner completed their meter conversion. If the property owner did not coordinate with Duke Energy in a timely manner, Duke Energy would place a pole in the right-of-way which would be fed from the underground line in front of the property and tie the line in aerially to the existing meter. Any damage to the line past the pole would be the responsibility of the property owner and any outages at service connections are last in line of Duke Energy's priorities to be fixed.

The third phase of the project is to address joint users on the poles. In Maitland, this is typically Spectrum and CenturyLink. At the locations where Duke Energy converts their lines underground, they typically will cut the top off of the existing pole after they have removed their lines and transfer the ownership to one of the other co-locators. If the decision is made to underground the co-locators, the city would also be responsible for working with the co-locators and paying to have them buried. For the Duke Energy poles that are proposed to be hardened, the co-locators are required to relocate to the new poles. Although Duke Energy will remove the poles, there is a process that must be followed and can sometimes take 1-2 years before the poles can be removed. Staff has reached out to the joint users on the Dommerich Estates poles. Spectrum has indicated that they would consider following Duke Energy with the undergrounding of their lines at no charge to the city. We have requested that in writing but, to date, have received no follow-up. We have not received a response from CenturyLink.

According to Duke Energy, the greatest benefit of undergrounding the entire system within Dommerich is that the east and west sides of Dommerich Estates will be looped together. This means, in most cases, if an outage occurs on one side, the feed from the other side will pick up the load to maintain power. Although undergrounding the entire area would provide the benefit of having a looped system, the incremental benefit in reliability to burying lines that Duke Energy would otherwise rebuild with a hardened overhead line is unqualifiable. While theoretically the number of outages would be generally fewer with underground, the time to restore will likely be greater because it's easier to locate and access faults on an overhead line versus an underground line. Due to the wide range of possible events that may cause an outage, Duke Energy cannot provide numerical estimates of the net benefit without a great deal of speculation.

Dommerich Estates should see improved reliability due to Duke Energy's project without any cost expended by the city or the customer. If the City Council chooses to move forward with the additional undergrounding, staff will need to notify Duke Energy by December 31, 2022. Then develop a plan on how to fund and accomplish the city's portion of the project.

As you may recall, during the last budget year funds were budgeted for a city-wide undergrounding plan. This issue was discussed with the Duke Energy team during our meetings on the Dommerich project. Based upon these discussions, we learned that developing a city-wide undergrounding project for the electrical system is more complex than other utilities. However, in response to the city's concerns, Duke shared additional plans for undergrounding and hardening scheduled for next year. In addition to the Dommerich project, the following projects are planned:

1. Hardening of Wigwam Place
2. Hardening of Minnehaha Shores (Minnehaha Circle and Kyle Drive)
3. Undergrounding of Maitland Isle (Mariner Way, Shell Point East and West)
4. Hardening of Delroy Park (East, West and South Trotters and Adios Ave.)
5. Hardening of West George Ave., West Sybelia Ave., Hillcrest Ave., and Hillman Ave.
6. Undergrounding of Hope Terrace
7. Undergrounding of Lake Sybelia Shores (Pryde Dr. and Wolsey Dr.)
8. Undergrounding of Maitland Woods
9. Undergrounding of Lake Colony

10. Hardening of Sandspur Road
11. Hardening of Maitland Avenue from Horatio to Maitland Boulevard
12. Hardening of Horatio from Maitland Ave. to the city limit

These were provided to determine if and how they could provide guidance on furthering a city-wide undergrounding plan.

During the October 10th Council Meeting, the City Council requested the cost to underground the neighborhoods that would receive hardening as part of the 2023 Duke Energy plan. These are provided below. This does not include the undergrounding of the lines proposed to be hardened along Horatio Avenue, Maitland Avenue and Sandspur Road as they are assumed to be cost prohibitive at approximately 1.5 million dollars per mile.

1. Hardening of Wigwam Place - This project is included in the Dommerich estates project.
2. Hardening of Minnehaha Shores (Minnehaha Circle and Kyle Drive) - \$200,000
3. Hardening of Delroy Park (East, West and South Trotters and Adios Ave.) - \$315,000
4. Hardening of West George Avenue - \$28,000
5. West Sybelia Avenue - \$32,000
6. Hillcrest Avenue - \$65,000
7. Hillman Avenue - \$150,000

The total cost paid to Duke Energy for these projects is 1.69 million dollars. Additional costs would be incurred if the city were to include the meter conversions.

In addition to these projects, Duke Energy has recently indicated that there are additional neighborhood hardening projects scheduled for 2023 and include (but not limited to) the following:

1. The neighborhood on Gem Lake Drive is targeted for overhead hardening
2. The neighborhood containing Grove Court and Grove Street has a backlot overhead feed that will be hardened

Staff has requested cost estimates for the projects listed above and a list of any additional projects scheduled for 2023. Also requested by staff was the number of homes affected for each project to determine the cost. A response had not been received by the time of agenda publication.

The City Council requested information regarding funding options if the city were to move forward with any of these projects and pass the costs on to the residents benefiting from the improvements. No funds were budgeted for any undergrounding projects in this budget year. This would require any funding for unbudgeted projects to be funded from fund balance, the city's reserve funds. If costs are to be recovered, there are two options, a non ad valorem assessment or an assessment utilizing the Duke Energy Local Governmental Cost Recovery Program.

Under the Duke Energy Local Government Cost Recovery Program, at the request of the local government, Duke Energy will include a surcharge on the customer's bill to recover the cost for undergrounding. Limitations to this program that include:

- The maximum surcharge on a customer's bill cannot exceed the lesser of \$30.00 or 15% of the customer's total net electrical service charges.
- The assessment cannot exceed 20 years.

- There is a charge to set up a surcharge on the customer's bill of the lesser of 10% of the facility charge or \$50,000 per assessment district.
- Duke Energy does not allow a charge for interest.

The requirements to establish the surcharge the City would need to define the boundaries and notify each customer of the proposed assessment as follows:

- At least 30 days prior to the execution of a Local Government Underground Cost Recovery Contract, the local government shall mail a notice to each electric customer located within the proposed Underground Assessment Area stating its intention to recover the cost of the underground conversion project in question through a Governmental Undergrounding Fee on the customer's electric bill.
- The notice shall include, at a minimum:
 - A description of the underground conversion project.
 - An estimate of the Governmental Underground Fee (as a percentage of total net electric charges) and the maximum monthly amount.
 - The month in which billing of the Fee is expected to commence.
 - The number of years over which the fee is to be imposed.
 - A postage prepaid form on which the customer may submit comments to the local government.

The rules regarding charges for conversion of overhead to underground electric distribution facilities are attached.

Based upon the number of residents eligible for a surcharge for the Dommerich project under this program, the city would not receive a full cost recovery.

An alternative to recoup costs is a non-advalorem assessment. The following is an explanation of the procedural steps required to enact a special assessment for the undergrounding project to be collected by the County tax collector's office. Because the City does not appear to have enacted an ordinance regarding imposing special assessments, the City should rely on authority under Chapter 170, *Florida Statutes*.

- First, the City must pass a resolution declaring an intention to specially assess the costs associated with the project. *See* F.S. § 170.03. In this resolution, the government must include significant information regarding the proposed assessment, including details such as the total cost and properties to be affected.
- This resolution can be combined with the resolution regarding the intent to use uniform collection, discussed below, which must be completed by March 1 at the latest.
- This resolution, upon adoption, must be published once in a local newspaper. *See* F.S. § 170.05.
- After enacting the resolution, the City must prepare a preliminary assessment roll, and then pass a resolution setting a time and place for individuals to speak on the propriety of the project and assessment. *See* F.S. § 170.07.
- The property owners must be given a 30-day mailed notice of the time and date of the hearing, which also must be noticed twice in a newspaper. *See* F.S. § 170.07.
- Following this hearing, the City council must meet as an equalizing board and make a final decision as to the assessments and to certify the final assessment roll. *See* F.S. § 170.08.

- To be eligible for collection through the tax collector, the public hearing where the final assessment roll is approved must be held between January 1 and September 15, and must be noticed by first class mail and publication. *See F.S. § 197.3632(4)(a-b)*. By September 15, the local government must certify the assessment roll in a manner in accordance with Florida rules. *See F.S. § 197.3632(5)*.

To collect the assessment through the tax collector's office, **prior to January 1**(or March 1 if the property appraiser and tax collector agree), the City must adopt a resolution at a public hearing stating the intent to use the uniform method of collection.

- The City must publish notice of its intent to use the uniform method for collecting such assessments weekly in a newspaper of general circulation within each county contained in the boundaries of the local government for **4 consecutive weeks preceding the hearing**.
- The resulting resolution must be provided to county authorities and the Florida DOR by January 10 (or March 10, if the local authorities agree).
- This City can choose to adopt this method of collection after imposing the special assessment. *See F.S. § 197.3632(9)*.
- The City must also enter an agreement with the tax collector and property appraiser regarding the collection for the reimbursement of costs. *See F.S. § 197.3632(2)*.

Note that because Chapter 170 requires that owners be given an opportunity to address the propriety of the project and the costs involved, the City likely cannot approve the assessment after the project has already been approved and commenced. Additionally, as was discussed at the October 10th City Council meeting, due to the fact that the improved reliability is not quantifiable, the city could not assess the property owners in Duke Energy's portion of the project (blue lines).

It should be noted that if the Council chooses to participate in funding the projects, Duke Energy could schedule them over the next several years. However, if a future Council chose not to fund the projects in a particular budget year, Duke Energy would eliminate those projects and make no improvements to that neighborhood (i.e. no undergrounding nor hardening).

The staff is seeking direction regarding how to proceed with the above-referenced projects.

Fiscal Impact:

Variable

Exhibits:

1. Att 1 Duke Undergrounding Dommerich
2. Att 2 Dommerich City Meter Conversion
3. Tariff UG Section 12
4. 12D-18 - Non Ad Valorem Assessments

Commission/Board: City Council

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Reviewed by City Attorney
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