

1. Agenda

Documents:

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City of Lake Alfred
120 E. Pomelo Street
Lake Alfred, FL. 33850



Phone: (863) 291-5270
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**AGENDA
CITY COMMISSION
THURSDAY, SEPTEMBER 28, 2023
7:00 PM
CITY HALL**

Call to Order: Mayor Nancy Z. Daley

Invocation and Pledge of Allegiance

Roll Call: Linda Bourgeois, City Clerk

City Manager & City Attorney Announcements

Recognition of Citizens: Items that are not on the Agenda

National Long-Term Care Residents' Rights Month

Consent Agenda:

- 1.) City Commission Meeting Minutes for September 14, 2023
- 2.) City Commission Announcements
- 3.) Lions Park Bid Award

Agenda:

- 1.) Public Hearing: Resolution 27-23: Final Millage Rate
- 2.) Public Hearing: Ordinance 1524-23: FY 2023/2024 Annual Budget
- 3.) Public Hearing: Ordinance 1525-23: Lake Lowery FLU Designation
- 4.) Public Hearing: Ordinance 1526-23: Lake Lowery Zoning Designation
- 5.) Resolution 28-23: Bad Debt Write-off
- 6.) Resolution 29-23: CWSRF Loan Application – Wastewater Nutrient Removal
- 7.) Resolution 30-23: Statutory Business Impact Statement
- 8.) Accela Software License and Services Agreement
- 9.) Bryne Software Technologies, Inc. Implementation Agreement

Recognition of Citizens: Please Limit Your Comments to 5 Minutes.

Commissioner Questions and Comments:

Commissioner Lake
Commissioner Eden
Commissioner Dearmin
Vice Mayor Fuller
Mayor Daley

Adjourn

**LAKE ALFRED CITY COMMISSION
SEPTEMBER 28, 2023**

Consent Agenda:

All matters listed under this item are considered to be routine, and action will be taken by one motion without discussion. If a discussion is requested by a commissioner, that item(s) will be removed from the Consent Agenda and considered separately.

1.) City Commission Meeting Minutes for September 14, 2023

Attachments:

- Draft Minutes

Analysis: Please review the minutes at your earliest convenience, and if there are any questions, comments, or concerns, please contact City Clerk Linda Bourgeois at (863) 291-5270.

2.) City Commission Announcements

Analysis: Each of the meetings/events scheduled below may constitute a public meeting at which two or more City Commissioners or Board Members may attend and discuss issues that may come before the City Commissioners.

DATE	MEETING/ EVENT	LOCATION	TIME
9/28	Discovery Leadership Academy	City Hall	9:00 a.m.
10/6	Legislative Policy Committee Meeting	Embassy Suites Lake Buena Vista South	10:00 AM – 2:00 PM
10/9	City Commission Meeting	City Hall	7:00 p.m.

Analysis: The City of Lake Alfred has been working with the Federal Emergency Management Agency (FEMA) on funding and anticipates approximately \$44,250 towards the cost of the dock replacement. The dock replacement is covered at 75% by FEMA along with up to 15% for mitigation (pivots), and a 25% (\$14,750) match by the City of Lake Alfred. The City is proposing to accept the Option 2 bid which includes pivots as mitigation so that future storm-generated wave action does not destroy the dock again. The project was advertised on Demand Star. In April of 2023, the City solicited sealed bids for the replacement of the dock at Lions Park, and on May 10, 2023, at the bid opening, there was only one bid submitted so the City decided to go back out to bid. On September 7, 2023, at 2:00 p.m., the following sealed bids were opened:

1. John Carver, LLC.
P.O. Box 797
Lake Alfred, Florida 33850
\$59,000
2. Southeastern Marine Group, Inc.
Vero Beach, FL. 32967
\$148,524
3. Underwater Engineering Services, Inc.
3306 Enterprise Road
Ft. Pierce, FL. 34982
\$158,226

Approval of the bid award to John Carver, LLC in the amount of \$59,000.

Staff Recommendation: Approve the Consent Agenda.

LAKE ALFRED CITY COMMISSION
SEPTEMBER 28, 2023
AGENDA

- 1.) **Public Hearing: Resolution 27-23: Final Millage Rate**
 - 2.) **Public Hearing: Ordinance 1524-23: FY 2023/2024 Annual Budget**
-

Issue: The City Commission will consider the resolution adopting the final millage rate and an ordinance for the adoption of the final 2023/2024 Annual Operating Budget on the second and final reading.

Attachments:

- Resolution 27-23
- Ordinance: 1524-23 with Exhibit "A"
- Millage/Revenue Analysis

Analysis: Over the past several months the City Commission has been presented with and given approval to the various draft sections of the FY 2023/2024 annual operating budget including Capital, Expenditures, Revenue, and Payroll.

The proposed FY 2023/2024 budget assembles the previously approved sections into the final budget with updates from July's experience and obtaining final revenue and expenditure projections. The proposed budget is balanced with the proposed millage rate of 6.850 which is a 0.139 mils reduction of the current year's millage rate of 6.989. The proposed millage rate of 6.850 represents a 19.5% increase over the rolled-back rate of 5.7320 mils.

Staff Recommendation:

- 1.) Approve Resolution 27-23 adopting the millage rate of 6.850
- 2.) Approve Ordinance 1524-23 on second and final reading.

**LAKE ALFRED CITY COMMISSION
SEPTEMBER 28, 2023**

- 3.) Public Hearing: Ordinance 1525-23: Lake Lowery Future Land Use Assignment**
 - 4.) Public Hearing: Ordinance 1526-23: Lake Lowery Zoning Assignment**
-

Issue: The City Commission will consider approval of the request to assign Future Land Use (FLU) designations and zoning districts on the second and final reading.

Attachments:

- Ordinance 1525-23
- Ordinance 1526-23
- Staff Report
- Excerpts from the Planning and Zoning meeting minutes

Analysis: On August 7, 2006, the City Commission approved Ordinance 1161-06 annexing approximately 40.15± acres into the city limits. These parcels are part of the Tree-O Groves properties north of Old Haines City Lake Alfred Road and US Highway 17/92, west of Lake Lowery Road and southeast of White Road. The current land use and zoning is Industrial and Conservation.

The proposed Future Land Use designation is Residential (RES) and Conservation (CN) and the proposed zoning is Vintage Residential Neighborhood (VRN) and Conservation (CN) zoning districts.

FLU & Zoning Request Summary

FLU Categories	Zoning Categories	Proposed
Residential (RES)	Vintage Residential Neighborhood (VRN)	15.27± ac
Conservation (CON)	Conservation (CN)	24.88 ±ac

On July 13, 2023, at their regular meeting, the Planning and Zoning Board unanimously voted to recommend that the City Commission approve the future land use and zoning district assignment requests.

The future land use and zoning amendment ordinances will be transmitted to the Florida Commerce, formerly known as the Department of Economic Opportunity (DEO) after approval.

Staff Recommendation:

- 3. Approve Ordinance 1525-23 on second and final reading.
- 4. Approve Ordinance 1526-23 on second and final reading.

**LAKE ALFRED CITY COMMISSION
SEPTEMBER 28, 2023**

5.) Resolution 28-23: Bad Debt Write-off

Issue: The City Commission will consider approval of a resolution writing off customer debt associated with City water and wastewater utilities.

Attachments:

- Resolution 28-23 with Exhibit "A" – list of accounts to be written off

Analysis: As a part of the closeout process for the end of the current fiscal year city staff is requesting authorization to expense any outstanding utility billing accounts as bad debt. Overall, the percentage of the accounts to be expensed as bad debt is less than 1% of the budgeted utility billing revenue. The total amount for the 2022/2023 fiscal year is \$10,252.35.

In years past the write-off has ranged from approximately \$9,500 to \$15,000 so this amount is within the average range compared to previous years. While the debt is written off for accounting purposes collection efforts continue after the debt is written off the ledger.

Staff Recommendation: Approve Resolution 28-23.

**LAKE ALFRED CITY COMMISSION
SEPTEMBER 28, 2023**

6.) Resolution 29-23: CWSRF Loan Application – Wastewater Nutrient Removal

Issue: The City Commission will consider authorization for an SRF loan application to the Florida Department of Environmental Protection (FDEP) for wastewater treatment facility upgrades for advanced nutrient removal.

Attachments:

- Resolution 29-23
- Opinion Letter

Analysis: The wastewater treatment facility was originally constructed in 1954, the last improvements to the facility were performed 15 years ago, and are showing signs of wear and outdated equipment. The City is planning for the replacement of various equipment and intends to upgrade and expand the facility to incorporate advanced nutrient removal. With this proposed project, the City intends to upgrade the facility, expand treatment capacity, increase treatment/nutrient removal levels, and offset groundwater withdrawals via aquifer recharge.

The proposed resolution begins the process of applying for loan funding through the State Revolving Fund (SRF). The process is divided into three steps:

- 1.) Facility Plan
- 2.) Design
- 3.) Construction

On August 7, 2023, the City Commission approved Task Order No. 12 with CPH, Inc. for a Wastewater Facilities Plan which is the first step in the process. The proposed resolution submitting a loan application to begin the request for inclusion into the program \$80,000

The Clean Water State Revolving Fund (CWSRF) Program through the FDEP allows for principal forgiveness associated with the debt obligation on the plant. The engineering consultant believes that we would be eligible for up to 50% forgiveness on the loan. The amount of principal forgiveness would be known before committing to design or construction.

Staff Recommendation: Approve Resolution 29-23.

LAKE ALFRED CITY COMMISSION
SEPTEMBER 28, 2023

7.) Resolution 30-23: Statutory Business Impact Statement

Issue: The City Commission will consider approval of a Resolution adopting a Business Impact Estimate Policy pursuant to Section 166.041(4), Florida Statutes (2023).

Attachments:

- Resolution 30-23
- City Attorney Memo

Analysis: Effective October 1, 2023, CS/CS/SB 170, Chapter 2023-309, Laws of Florida, amends Section 166.041 of the Florida Statutes to require preparation of a “business impact estimate” before the adoption of a new municipal ordinance. A “business impact estimate” is a written document that contains specific information relevant to the local business community such as:

- A summary of the proposed new municipal ordinance
- An estimate of the direct economic impact of the proposed new municipal ordinance on private, for-profit, businesses;
- An estimate of direct compliance costs that businesses may incur if the proposed new municipal ordinance is adopted;
- Identification of new charges and fees imposed on businesses subject to the proposed new municipal ordinance;
- An estimate of expected regulatory costs and revenues; and
- A good faith estimate of the number of businesses impacted by the proposed new municipal ordinance.

The new business impact estimate statute does not apply to several categories of municipal ordinances such as: (a) ordinances required for compliance with state or federal law; (b) ordinances relating to debt; (c) ordinances relating to the adoption of budgets and revenue sources; (d) ordinances required to implement a contract or agreement; (e) emergency ordinances; (f) procurement ordinances; and (g) ordinances that implement growth policy, planning and land development regulation. The new statute also does not apply to ordinances that implement the Florida Building Code or the Florida Fire Prevention Code.

To ensure compliance with the new business impact estimate statute, a “Business Impact Estimate Policy” has been drafted in the proposed resolution. The policy tracks the language of CS/CS/SB 170 and would require that a business impact estimate be prepared for every non-exempt ordinance introduced before the City Commission after October 1, 2023. The policy also fills in certain gaps left in the statutory language and requires estimates of economic impact, compliance costs, charges or fees, regulatory costs, revenues, and likely number of impacted businesses generated by City Staff to be the product of reasonable and honest efforts (i.e., a “good faith” effort) to convey appropriate and relevant information.

The policy would also require private parties that propose, request, or sponsor a new non-exempt municipal ordinance to generate a business impact estimate at private expense or permit assessment and payment of a “pass-through charge” equal to the City’s cost to generate an estimate at public expense. The policy reserves authority to the City Commission to waive a pass-through charge at its discretion.

Staff Recommendation: Approve Resolution 30-23.

LAKE ALFRED CITY COMMISSION
SEPTEMBER 28, 2023

8.) Accela Software License and Services Agreement
9.) Bryne Software Technologies, Inc. Implementation Agreement

Issue: The City Commission will consider the purchase of Accela Software for the Community Development Department, the implementation Agreement with Bryne Software Technologies, Inc.

Attachments:

- Accela Software License Agreement
- Accela Software Services Agreement
- Accela Software Addendum
- Bryne Software Implementation Agreement
- Bryne Software Addendum

Analysis: After researching several building and permitting software solutions to suit the needs of the City of Lake Alfred, the Community Development Department is proposing to enter into an agreement with Accela. Accela automates the steps needed for permit processing including the assignment of tasks, tracking of reviews, and sending notifications to keep processes running smoothly and on time. Some features are having an online resident portal, electronic document review, built-in reporting capabilities, and GIS mapping.

Bryne Software Technologies, Inc. provides the deployment of Accela for the current and future needs of the City of Lake Alfred. The company will manage the project, convert the current data, customize the payment processor to integrate with the City's current system, and integrate the GIS using Polk County's maps.

The addendum to the Bryne Software Technologies, Inc. Implementation Agreement is to ensure home venue privilege, public records compliance, sovereign immunity, and vendor acknowledgments.

Polk County and several other local municipalities utilize Accella. The City has coordinated with Polk County and the vendors to utilize the Polk County building permit structure. This provides consistency for customers and allows the City to use the larger organization pricing. In FY 22/23 there was \$200,000 budgeted for the accounting and permitting software.

Staff Recommendation:

8. Approval of the Accela Software License and Services Agreements and Addendum in the amount of \$48,043.45 over a three-year period.

9. Approval of the Implementation Agreement and Addendum with Bryne Technologies, Inc. in the amount of \$113,885.