



CITY COMMISSION MEETING HAINES CITY, FLORIDA

MINUTES

January 4, 2024, 7:00 p.m.

City Hall Commission Chambers

620 E. Main Street, Haines City, FL 33844

Phone: 863-421-9921 Web: hainescity.com

Present: Mayor H.L. Roy Tyler
Vice-Mayor Omar Arroyo
Commissioner Anne Huffman
Commissioner Morris West
Commissioner Vernel Smith

Staff in Attendance: City Manager James Elensky
City Attorney, Fred Reilly
City Clerk, MMC, Sharon Lauther

1. CALL TO ORDER

Mayor Roy Tyler called the City Commission Meeting to order at 7:03 PM on January 4, 2024 in the City Commission Chambers, located at 620 E Main Street, Haines City, FL.

2. INVOCATION

Commissioner Morris West provided the invocation.

3. PLEDGE OF ALLEGIANCE

The Mayor led the pledge of allegiance.

4. CONSENT AGENDA

Commissioner Huffman stated that the Board of Adjustment Committee should not be the same as the Planning Commission. It was a consensus of the Commission that the Clerk's office should advertise the opening of a board seat.

Moved by Omar Arroyo

Seconded by Vernel Smith

Approve consent as a whole.

Carried Unanimously

4.a Approval of Minutes

4.b Agreement to Piggyback a Contract Services Bid by Another Governmental Entity – Building Inspector and Plans Examiner

City staff recommends the approval from the City Commission to have Nova Engineering and Environmental, LLC provide a temporary position(s) for Building Inspector(s) through the piggybacking of the Polk County Temporary Positions Bid 22-354.

4.c City Attorney Invoice for the Billing Period Ending November 30, 2023

Approve payment to the City Attorney for legal services and disbursements for the billing period ending November 30, 2023 in the amount of \$18,258.20.

4.d Police Department Vehicle Purchase

Staff is recommending the City Commission approve the request to purchase one (1) vehicle for the Police Department with one (1) older model vehicle, with excessive damage, turned over to insurance.

- 4.e Lakes Advisory Board Member Renewal Application
- 4.f Approval of Planning Commission Application
- 4.g Approval of Board of Adjustment Application
- 4.h Cemetery Deeds
- 4.i Request for Qualifications (RFQ) 23-08 Network Support Continuing Services

It is recommended City Commission approve the recommendation of the ERC for RFQ 23-08 Network Support Continuing Services that R2 Unified be approved as the primary vendor and Veytec be approved as the secondary vendor.

5. OLD BUSINESS

- 5.a Ordinance No. 23-2061 – RWS Ranch Voluntary Annexation – Second Reading
Development Services Director Richard Greenwood presented this item.

Mayor Tyler opened the public hearing.

There were no members of the public that came forward to speak to the Mayor and City Commission.

Mayor Tyler closed the public hearing and asked for an introduction of the Ordinance.

Commissioner Arroyo introduced the Ordinance.

City Clerk Lauther read the title of the Ordinance into the record.

Moved by Morris West

Seconded by Omar Arroyo

Staff recommends approval of Ordinance No. 23-2061 for RWS Ranch Voluntary Annexation on second reading.

Carried

- 5.b Ordinance No. 23-2062 Crosswinds West Community Development District
Boundary Amendment Second Reading

Attorney Fred Reilly presented this item.

Mayor Tyler opened the public hearing.

There were no members of the public that came forward to speak to the Mayor and City Commission.

Mayor Tyler closed the public hearing and asked for an introduction of the Ordinance.

Commissioner Smith introduced the Ordinance.

City Clerk Lauther read the title of the Ordinance into the record.

Moved by Anne Huffman

Seconded by Omar Arroyo

Staff recommends approval of Ordinance No. 23-2062 contracting the external boundaries of Crosswinds West Community Development District.

Carried Unanimously

6. NEW BUSINESS

- 6.a Ordinance No. 24-2065 – Establishing the White Clay Community Development District

Attorney Fred Reilly presented this item.

Development Services Director Richard Greenwood presented this item.

Section 190.005(2) of the ACT requires that a petition for the establishment of a community development district of less than 2,500 acres be filed by the petitioner with the municipality having jurisdiction over the majority of land in the area in which the district is to be located.

Section 190.005(1)(a) of the ACT requires that such petition contain certain information to be considered at a public hearing before the City Commission of the City of Haines City, Florida (“City”).

CH Dev, LLC, a Florida limited liability company (“Petitioner”), having obtained written consent to the establishment of the White Clay Community Development District (the “District”), by the owners of one-hundred percent (100%) of the real property to be included in the District and having presented documents evidencing the control of the real property to be included in the District, has petitioned the City to adopt an ordinance establishing the District pursuant to Chapter 190, Florida Statutes (2021).

The Petitioner is a Florida limited liability company authorized to conduct business in the State of Florida and whose principal place of business is 346 East Central Avenue, Winter Haven, Florida 33880.

The Petition to Establish White Clay Community Development District which was submitted to the City on November 21, 2023 (the "Petition"), has been determined to contain the requisite information as mandated by Section 190.005(1)(a) of the ACT.

All interested persons and affected units of general-purpose local government will be or have been afforded an opportunity to present oral and written comments on the Petition at a duly noticed public hearing conducted by the City on January 18, 2024.

On January 18, 2024, the City will consider the record of the public hearing and the factors set forth in Section 190.005(1)(e) of the ACT, and upon such review, will determine whether granting the Petition is in the best interest of the City.

The establishment of the District shall not act to replace or amend any City or County land development approvals governing the land area to be included within the District.

All District roads, including any improvements to existing roads, shall be constructed to equal or exceed the applicable construction specifications of the City or the County.

The City will take ownership of, maintenance and operation responsibilities for the Lift Stations, Water and Sewer infrastructure within the District.

The Petitioner asserts that the establishment of the District will result in a timely, efficient, effective, responsive and economic way to deliver community development services in the area described in the Petition.

There were no comments from the dais.

Mayor Tyler opened the public hearing.

There were no members of the public that came forward to speak to the Mayor and City Commission.

Mayor Tyler closed the public hearing and asked for an introduction of the Ordinance.

Commissioner Smith introduced the Ordinance.

City Clerk Lauther read the title of the Ordinance into the record.

Moved by Morris West

Seconded by Vernel Smith

Staff recommends the approval, on first reading, of establishing the White Clay Community Development District.

Carried Unanimously

- 6.b Resolution No. 24-1774 Drainage Ditch Maintenance Easement for Parcel No. 272730-000000-013010

Public Services Administrator James Keene presented this item.

The District is requesting that the City grant the proposed Drainage Ditch Maintenance Easement for a non-exclusive easement for drainage ditch maintenance purposes. The Drainage Ditch Maintenance Easement and exhibits depicting the easement area are included with this Agenda Item. The subject property owned by the City comprises 29.22 acres.

There were no comments from the dais.

Mayor Tyler opened the public hearing.

There were no members of the public that came forward to speak to the Mayor and City Commission.

Mayor Tyler closed the public hearing and asked for an introduction of the Resolution.

Commissioner Smith introduced the Resolution.

City Clerk Lauther read the title of the Resolution into record.

Moved by Omar Arroyo

Seconded by Vernel Smith

Staff recommends granting a drainage ditch maintenance easement to the Haines City Water Control District for Property Appraiser Parcel ID No. 272730-000000-013010.

- 6.c Resolution No. 24-1775 Drainage Ditch Maintenance Easement for Parcel No. 272719-000000-024010

Public Services Administrator James Keene presented this item.

The District is requesting that the City grant the proposed Drainage Ditch Maintenance Easement for a non-exclusive easement for drainage ditch maintenance purposes. The Drainage Ditch Maintenance Easement and exhibits depicting the easement area are included with this Agenda Item. The subject property owned by the City comprises 15.55 acres.

There were no comments from the dais.

Mayor Tyler opened the public hearing.

There were no members of the public that came forward to speak to the Mayor and City Commission.

Mayor Tyler closed the public hearing and asked for an introduction of the Resolution.

Commissioner Huffman introduced the Resolution.

City Clerk Lauther read the title of the Resolution into record.

Moved by Omar Arroyo

Seconded by Anne Huffman

Staff recommends granting a drainage ditch maintenance easement to the Haines City Water Control District for Property Appraiser Parcel ID No. 272719-000000-024010.

Carried Unanimously

6.d Purchase of Five (5) 2024 GMC Sierra 2500HD for Public Infrastructure

Public Services Administrator James Keene presented this item.

Public Infrastructure Department needs to purchase five (5) 2024 GMC Sierra 2500HD trucks to replace aging trucks that are becoming expensive to maintain. These new trucks will be purchased from Alan Jay Fleet Sales under Sourcewell Contract #2024 091521-NAF & 06. These trucks are currently on the ground at Alan Jay Fleet, which would greatly expedite the delivery to Haines City.

Moved by Morris West

Seconded by Anne Huffman

Staff recommends the approval to purchase five (5) GMC Sierra 2500HD trucks for Public Infrastructure to replace aging vehicles.

Carried Unanimously

6.e Annexation Agreement – 1417 Power Line Road

Public Services Administrator James Keene presented this item.

The subject property is within the Haines City Water and Wastewater service area. The City shall initiate the process to accomplish the annexation in accordance with law at a time and in a manner of its choosing in its sole discretion. The agreement also allows this property to be part of a voluntary or involuntary annexation process.

Moved by Omar Arroyo

Seconded by Anne Huffman

Staff recommends approval of the Voluntary Annexation Agreement for the property located at 1417 Power Line Road.

Carried Unanimously

6.f Asphalt Repairs on Highway 27 and North Boulevard

Public Services Administrator James Keene presented this item.

In order to repair a broken sewer force main, located on Highway 27 and North Boulevard, the road was dug up. Turtle Infrastructure was selected to patch the road.

Moved by Vernel Smith

Seconded by Omar Arroyo

Staff recommends the approval of asphalt repairs on Highway 27 and North Boulevard due to a broken sewer force main.

Carried Unanimously

6.g Caterpillar 420 Backhoe Purchase

Public Services Administrator James Keene presented this item.

The existing John Deere Backhoe at the Wastewater Treatment Facility is a 1997 model and is 27 years of age. Repairs are becoming more frequent and costlier. The purchase of a Caterpillar 420 Backhoe from Ring Power to be completed through the Florida Sheriff's Association Contract #FSA23-EQU21.0.

Moved by Morris West

Seconded by Anne Huffman

Staff recommends purchase of a Caterpillar 420 Backhoe, to replace the John Deere Backhoe at the Wastewater Treatment Facility, from Ring Power through the Florida Sheriff's Association Contract #FSA23-EQU21.0.

Carried Unanimously

6.h Force Main Bypass on Holly Hill Road

Public Services Administrator James Keene presented this item.

The existing Force Main from Bella Nova Subdivision currently flows to the US Highway 27 Force Main. The intent of the Bypass is to redirect flow from Bella Nova Subdivision to the 16" Force Main located on Holly Hill Road, which passes in front of the subdivision. This will help reduce the pressure on the US Highway 27 Force Main.

Moved by Anne Huffman

Seconded by Vernel Smith

Staff recommends approval of the installation of a Force Main Bypass on Holly Hill Road.

Carried Unanimously

6.i Generator and Transfer Switch Emergency Repairs at Water Plant 2

Public Services Administrator James Keene presented this item.

The generator and transfer switch provide back-up power to Water Plant 2 when there is an outage in the area. Following a preventive maintenance check, it was determined the switch was non-operable. The City of Haines City is procuring repairs under emergency provisions with Mid Florida Diesel, Inc who specialize in this scope of service.

Moved by Morris West

Seconded by Anne Huffman

Staff recommends the approval of the emergency generator and transfer switch repairs at Water Plant 2.

Carried Unanimously

6.j Paving Authorization for Forest Hill Cemetery

Parks and Recreation Director Terrell Griffin presented this item.

This is another project to improve the quality and beautification of our cemetery offerings. In preparation for future burial needs at Forest Hill Cemetery, four (4) additional blocks have been prepared to start selling spaces. This request will provide paved roads to this area and address a portion of roadways in the southwest section of the cemetery needing to be repaved. Additional paving requests will be presented at a later date to address other areas of the cemetery needing to be repaved.

Quotes were received from the following companies for the red, yellow, white, and blue sections (please refer to the attached map).

- AAA Quality Asphalt - \$91,477
- Larson's Grading & Paving -\$105,745
- General Asphalt - \$95,178.75

Moved by Morris West

Seconded by Anne Huffman

Staff recommends the approval of the paving services agreement for Forest Hill Cemetery.

Carried Unanimously

6.k Request to Purchase a Geothermal Heater/Chiller System for the Lake Eva Aquatic Center

Parks and Recreation Director Terrell Griffin presented this item.

With the addition of a geothermal heater/chiller system, the Aquatics Division will be able to expand their program offerings, including additional swim lessons,

expansion of the Senior Swim program, open swim opportunities, and offer extended seasons for the local swim teams that utilize the Lake Eva Aquatic Center.

The geothermal system is being purchased via a sole/single source. On November 22, 2023, a Notice of Intent to Sole Source was posted via Demand Star under single source number 23-13, in reference to Florida Statute 287.057(3)(c).

Florida Statute 287.057(3)(c) references the following: Commodities or contractual services available only from a single source may be excepted from the competitive-solicitation requirements. If an agency believes that commodities or contractual services are available only from a single source, the agency shall electronically post a description of the commodities or contractual services sought for at least 15 business days.” The Notice of Intent to Sole Source closed on December 15, 2023 at 2 PM and there were no written statements from any other contractors/vendors indicating that they could provide products specified within the Notice of Intent to Sole Source. All statutory obligations have been met.

There is a difference of a price for the purchase price of \$144,993.00

Moved by Omar Arroyo

Seconded by Anne Huffman

Staff recommends the purchase of a geothermal heater/chiller system for the Lake Eva Aquatic Center.

Carried Unanimously

6.I RES Phase II Environmental Audit of 0 4th Street; Haines City, FL

City Attorney Fred Reilly presented this item.

The Phase I Environmental Audit of the Subject Property indicated that a dry-cleaning business was previously located on the Subject Property. To assess the environmental condition of the Subject Property prior to the completion of the Eminent Domain case (against Bowen TV and McCall) and the transfer of the Subject Property to the City, the Phase II Environmental Audit is the next appropriate step in the process.

At the November 16, 2023 City Commission meeting, the City Commission authorized the Phase II Environmental Audit.

City Attorney Fred Reilly and Attorney Michael Sznajstajler (the City's Brownfields special counsel) have coordinated with RES for the Phase II Environmental Audit. RES is one of the City's continuing services vendors.

At the time that this Agenda Item was submitted, RES was scheduled to conduct the Phase II Environmental Audit during the month of December, including a site visit on or about December 20, 2023 (for onsite test drilling). After the site visit, RES's analysis of the onsite test drilling will be completed within approximately two (2) weeks.

City Attorney Reilly requested that this Agenda Item be included on the City Commission Agenda for the January 4, 2024 meeting in the event that the results of the Phase II Environmental Audit are available.

Attorney Reilly will have a clearer explanation in two weeks. No vote is needed at this time.

Any recommendation(s) will be based on the results of the Phase II Environmental Audit conducted by RES for the real property located at 0 4th Street; Haines City, FL

6.m CITY MANAGER DISCUSSION

Human Resources Director Chandra Hall presented this item. Director Hall stated that the feedback was valuable for the City Manager in demonstrating the accomplishments in the economic development of the City. The average range is 4.6 out of 5 giving the City Manager an "A" rating. The average salary range is \$201,000- \$211,000 annual salary for cities. Commissioner West asked how the cities were selected. Comparable cities with population and employee count. Haines City is growing at a rate of 23% which is one of the highest.

Commissioner Huffman congratulated the City Manager on a great job done in the last eighteen (18) months. City Manager Elensky thanked the Commission for the ratings he received resulting in a "A" grade. Vice-Mayor Arroya and Commissioner West commended the City Manager on a job well done. Commissioner Huffman suggested that a salary of \$210,000 annually is recommended. Commissioner West and Commissioner Smith feel that the Commission should review the documents and come up with a salary. Once the decision is made the salary adjustment will be retroactive to January 4, 2024. A decision will be made at the next meeting scheduled for January 16, 2024.

Jayne Hall, 151 E. Main Street stated that she had the opportunity to work side by side with the City Manager and enjoyed working with the him while she served on the Commission.

7. PUBLIC COMMENTS - REGARDING ITEMS NOT ON THE AGENDA (3 Minutes)

Dr. Ken James 1315 10th Street, NE Winterhaven, wanted an update on the trailers that is parked on his lot. Discussion took place. Follow-up will be done with Code-enforcement. Mayor Tyler stated a change in the current land development code would be needed. Attorney Reilly states that because there is a current code enforcement case the Commission does not have the authority to make any changes and relief needs to be done by the Special Magistrate. Dr. James states that the Magistrate advised him to come to the Commission. Commissioner West states that the Commission needs to review a lot of ordinances that are possibly outdated. Commissioner Huffman stated that the Magistrate should have never sent the resident before the Commission.

8. CITY MANAGER'S REPORT

No report

9. CITY CLERK'S REPORT

City Clerk Lauther read a heart felt message to the Commission on behalf of Deputy City Clerk Erica Sanchez.

10. CITY ATTORNEY'S REPORT

None

11. COMMISSION COMMENTS

Commissioner Huffman inquired about when the workshop for the food truck will be done. City Manager stated on January 16, 2024 there will be a discussion.

Commissioner Huffman also inquired about a medical marijuana business on sixth (6) street. Deputy City Manager Stewart stated that discussion has taken place with the City Manager and the City attorney and the Florida State Statutes are being reviewed.

Commissioner West would like an update on the old fertilizer site and the Brownfield grant recently applied for. City Manager Elensky will follow up with the attorney.

Vice-Mayor Arroyo- none.

Mayor Tyler talked about a number a bills in the House that will have a negative impact on Home Rule. Mayor Tyler wants a list put together. Commissioner West states that

these concerns need to be addressed to the legislators in Tallahassee on Polk County Day. Mayor Tyler also stated his disappointment in the Form 6 requirements.

12. ADJOURNMENT

Without any further business the meeting was adjourned at 8:45 PM.

Roy Tyler, Mayor

Sharon Lauther, MMC, City Clerk