

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

April 27, 2023

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, Florida 34731

6:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation – Senior Pastor Joseph “Joey” B. Willis, Eagles Nest Baptist Church

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. SPECIAL PRESENTATIONS

(a) **National Teacher Appreciation Day (Tuesday, May 2, 2023) and Teacher Appreciation Week (May 7-13, 2023) Proclamation** (city clerk)

i. **Ms. Ellen Frazier Miller, Third Grade Teacher**
Teacher of the Year

ii. **Ms. Alexis Barnes, Second Grade Teacher**
Rookie Teacher of the Year

(b) **National Library Week (April 23-29, 2023) Proclamation** (city clerk)

(c) **Check Donation Presentation – March 25, 2023 Dave Robey Memorial Vetfest Event** (city manager/police chief)
Commander Larry Miller, American Legion (John Gella Memorial) Post 219.

4. CONSENT AGENDA

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

(a) **Approval of Minutes** (city clerk)
April 13, 2023

- (b) **Resolution 2023-029 – Change Order 1 – Addendum 1 to Master Services Agreement No. 19831 – MCCi LLC** (city attorney/city manager/city clerk)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NUMBER 01 TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831 BETWEEN MCCi LLC AND CITY OF FRUITLAND PARK, FLORIDA RESULTING IN A CREDIT TO THE CITY IN THE AMOUNT OF \$8,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

5. REGULAR AGENDA

- (a) **Resolution 2023-030 Public Works A1A CO 4 PR 1 Cost Change Order – New Public Works Building – Revisions to Civil Drawings** (city attorney/city manager/public works director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 4 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$835.29 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

- (b) **Resolution 2023-031 – CDBG Program FYs 2023-24-2025-26 – Lake County** (city attorney/city manager)

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR APPROVAL OF AGREEMENT AND AUTHORIZATION TO EXECUTE; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

(c) Resolution 2023-016 Urick Street Force Main Extension Project Contract Change #2 – Cathcart Construction Company Florida LLC, Oviedo (city attorney/city manager/public works director)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 2 THAT INCLUDES A THREE-DAY EXTENSION TO CONSTRUCTION TIME AND INCREASE OF \$13,111 IN THE CONTRACT PRICE REQUESTED BY CATHCART CONSTRUCTION COMPANY FLORIDA LLC, OVIEDO; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPROVAL; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from February 23, 2023 regular meeting.)

PUBLIC HEARING

(d) Resolution 2023-027 – Preliminary Plan Rolling Acres at Lake Ella – Petitioner: Resibuilt Homes LLC (city attorney/city manager/community development)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF ROLLING ACRES AT LAKE ELLA GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD, FRUITLAND PARK, FLORIDA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

END OF PUBLIC HEARING

6. (a) City Manager

i. Economic Development Status Update

ii. Commercial Developments Permits Issued Status Update

(b) City Attorney

i. City of Fruitland Park v. State of Florida – Department of Management Services

ii. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845

iii. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628

- iv. Kaitlin Delong vs. City of Fruitland Park, Lake County
Case No. 2022-CA-00463**
- v. Fruitland Park Official City Code**
- vi. LDR Codification**

7. UNFINISHED BUSINESS

8. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

9. COMMISSIONERS' COMMENTS

- (a) Commissioner Mobilian**
- (b) Commissioner Bell**
- (c) Commissioner Gunter**
- (d) Vice Mayor DeGrave**

10. MAYOR'S COMMENTS

11. ADJOURNMENT

DATES TO REMEMBER

- April 28, 2023, Cornhole Tournament, Gardenia Park, 205 West Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;
- May 6, 2023, Daddy Daughter Dance, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 6:00 p.m.;
- May 8, 2023 Lake County Office of Parks and Trails, Parks, Recreation and Trails Advisory Board, Conference Room, 2401 Woodlea Road, Tavares, Florida 32778 at 3:30 p.m.;

- May 11, 2023, City Commission regular at 6:00 p.m.;
- May 12, 2023, Lake County League of Cities *Legislative Update*, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, FL 32757 at noon;
- May 17, 2023 Lake 100 *34th Annual Lake County Community Service Awards Banquet*, The Venetian Center, 1 Dozier Circle, Leesburg, Florida 34748 at 6:00 p.m.;
- May 19, 2023, Comedy Night, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- May 20, 2023, Ashley's House Opening, 36240 E Spring Lake Boulevard, Fruitland Park, Florida 34731 TBA
- May 25, 2023, City Commission regular at 6:00 p.m.

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and 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. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MOD

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 3a-c**

ITEM TITLE: SPECIAL PRESENTATIONS

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Monday, April 17, 2023

SUBMITTED BY: See below

BRIEF NARRATIVE: Special Presentations:

(a) *National Teacher Appreciation Day (Tuesday, May 2, 2023) and Teacher Appreciation Week (May 7-13, 2023) Proclamation* (city clerk)

i. Ms. Ellen Frazier Miller, Third Grade Teacher
Teacher of the Year

ii. Ms. Alexis Barnes, Second Grade Teacher
Rookie Teacher of the Year

(b) *National Library Week (April 23-29, 2023) Proclamation* (city clerk)

(c) Check Donation Presentation – March 25, 2023 Dave Robey Memorial Vetfest Event (city manager/police chief)

Commander Larry Miller, American Legion (John Gella Memorial) Post 219

FUNDS BUDGETED: None

ATTACHMENTS: Proclamations

RECOMMENDATION:

ACTION: None



Proclamation

WHEREAS, in 1953, First Lady Eleanor Roosevelt initiated and convinced the 81st Congress to proclaim a national day for teachers in recognition of their contributions; and

WHEREAS, on March 7, 1980, America celebrated the first *National Teacher Appreciation Day*, initiated by the National Parent Teacher Association (NPTA) -- the oldest and largest child advocacy nonprofit organization comprises millions of families, students, teachers, administrators, and business and community leaders – where they share a commitment to improve the education, health, and safety of all children who have faced challenging yet innovative times in their learning and development; and

WHEREAS, in 1984, celebrations for *National Teacher Appreciation Day* was moved to May and instead of one day, the PTA decided that teachers needed recognition for at least one week and in 1985, the National Education Association (NEA) made similar changes and officially designated the Tuesday of the first full week in May as *National Teacher Appreciation Day*; and

WHEREAS, Operation Bless Fruitland Park, an ongoing program supported by the city commission since 2015, was launched to create an attitude of generosity in working together to make a difference within the Fruitland Park community with the focus on working together on impacting the schools, its students, families and school staff where the local school is the center of activity; and

WHEREAS, teachers have influence in the lives of millions of children every day in schools across the country where their work and impact extend beyond classroom boundaries; teachers are selfless, dedicated caring individuals who devote themselves to touch the hearts of our students in a special way and make a lasting difference on their lives, and teachers are honored for going beyond the call of duty to make a positive impact on our children’s learning and development; and

WHEREAS, First Lady Jill Biden, life-long educator who still teaches full-time has said *Teaching is not what you do; it’s who you are*; and

WHEREAS, the PTA, the NEA, Bless Fruitland Park, and city staff have teamed up to celebrate *Teachers’ Appreciation Week* from May 8 to 12, 2023 to honor and recognize their important contributions and their diversified abilities and skills to provide classroom educational activities which leave a lasting impression, and

WHEREAS, the city would like to thank Fruitland Park Elementary School Teacher Ellen Frazier Miller, who *has found her calling and doing what she loves*, teaching at the same grade level, at the same school, in the same classroom for almost 21 years and congratulate her on receiving “Fruitland Park Elementary Teacher of the Year” Award;

NOW, THEREFORE, BE IT RESOLVED that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby declare Tuesday, May 2nd as ***National Teacher Appreciation Day*** and May 8th to 12th, 2023 as ***Teachers’ Appreciation Week***; recognize the theme: *It’s Time to Thank a Teacher! Teaching is a Work of Heart*, and celebrate the daily sacrifices they make for every child.

Dated this 27th day of April 2023.

Chris Cheshire, Mayor

Attest: Esther B. Coulson, City Clerk



Proclamation

WHEREAS, in 1953, First Lady Eleanor Roosevelt initiated and convinced the 81st Congress to proclaim a national day for teachers in recognition of their contributions; and

WHEREAS, on March 7, 1980, America celebrated the first *National Teacher Appreciation Day*, initiated by the National Parent Teacher Association (NPTA) -- the oldest and largest child advocacy nonprofit organization comprises millions of families, students, teachers, administrators, and business and community leaders – where they share a commitment to improve the education, health, and safety of all children who have faced challenging yet innovative times in their learning and development; and

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WHEREAS, teachers have influence in the lives of millions of children every day in schools across the country where their work and impact extend beyond classroom boundaries; teachers are selfless, dedicated caring individuals who devote themselves to touch the hearts of our students in a special way and make a lasting difference on their lives, and teachers are honored for going beyond the call of duty to make a positive impact on our children’s learning and development; and

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WHEREAS, the city would like to thank Fruitland Park Elementary School Teacher Ellen Alexis Barnes who was recognized as receiving the “Rookie Teacher of the Year” Award;

NOW, THEREFORE, BE IT RESOLVED that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby declare Tuesday, May 2nd as ***National Teacher Appreciation Day*** and May 8th to 12th, 2023 as ***Teachers’ Appreciation Week***; recognize the theme: *It’s Time to Thank a Teacher! Teaching is a Work of Heart*, and celebrate the daily sacrifices they make for every child.

Dated this 27th day of April 2023.

Chris Cheshire, Mayor

Attest: Esther B. Coulson, City Clerk



Proclamation

WHEREAS, before World War I, the library in Fruitland Park began its operations in a small home; became a community library in 1936, and on November 12, 1970, the city began operating its municipal library; and

WHEREAS, on September 29, 1982, the Lake County Board of County Commissioners established a countywide public library system (which included the City of Fruitland Park Library as its member) to provide free access and circulation of library materials to all county residents; to serve as a community hub for innovation and collaboration, and to operate as a forum for diverse ideas and points of view; and

WHEREAS, libraries provide the opportunity for everyone to pursue their passions and engage in lifelong learning, allowing them to live their best life; and

WHEREAS, libraries have long served as trusted institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status; and

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all; and

WHEREAS, libraries adapt to the ever-changing needs of their communities, continually expanding their collections, services, and partnerships; and

WHEREAS, libraries play a critical role in the economic vitality of communities by providing internet and technology access, literacy skills, and support for job seekers, small businesses, and entrepreneurs; and

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals; and

WHEREAS, libraries are cornerstones of democracy, promote the free exchange of information for all; and

WHEREAS, libraries are full of stories in a variety of formats from picture books to large print, audiobooks to eBooks, and so much more ; and

WHEREAS, The American Library Association and libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate *National Library Week* with the theme: *There's More to the Story* ;

NOW, THEREFORE, BE IT RESOLVED that I, Chris Cheshire, Mayor of the City of Fruitland Park, Florida, on behalf of the city commissioners, do hereby proclaim April 23 to 29, 2023 as **National Library Week** and encourage all residents to visit their library to explore the wealth of resources available.

Dated this 27th day of April 2023.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk



Proclamation

WHEREAS, before World War I, the library in Fruitland Park began its operations in a small home; became a community library in 1936, and on November 12, 1970, the city began operating its municipal library; and

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Dated this 27th day of April 2023.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk

**CITY OF FRUITLAND PARK
CONSENT AGENDA ITEM SUMMARY SHEET
Item Number: 4a-b**

ITEM TITLE: Draft Minutes and Resolution 2023-029

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Tuesday, April 11, 2023

SUBMITTED BY: City Attorney/City Manager/City Clerk

BRIEF NARRATIVE: Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s), and (3) Discuss each pulled item separately and vote.

(a) Approval of Minutes (city clerk)
- April 13, 2023 regular meeting

(b) Resolution 2023-029 Change Order 1 – Addendum 1 to Master Services Agreement No. 19831 – MCCi LLC (city attorney/city manager/city clerk)

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NUMBER 01 TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831 BETWEEN MCCi LLC AND CITY OF FRUITLAND PARK, FLORIDA RESULTING IN A CREDIT TO THE CITY IN THE AMOUNT OF \$8,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE. (01512-30542 \$8,000 decrease)

FUNDS BUDGETED: None

ATTACHMENTS: Draft minutes, proposed resolution and exhibit

RECOMMENDATION: Approval

ACTION: Approve the consent agenda

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
April 13, 2023**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, April 13, 2023, at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor Patrick DeGrave, Commissioners John L. Gunter Jr., and John Mobilian.

(Commissioner Chris Bell entered the meeting room as reflected in the minutes of this meeting.)

Also present: Gary La Venia City Manager; City Attorney Anita Geraci-Carver; City Treasurer Jeannine Racine; Police Chief Erik Luce, Captain Henry Rains, Police Department; Human Resources Director Betty McHale; Deputy City Clerk Candice Dennis; Michael “Mike” Rankin, Interim Community Development Director, LPG Urban & Regional Planners Inc. (consultant retained by the city); Lake County Fire Rescue Lieutenant Doug Draper, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

Mayor Cheshire called the meeting to order, Reverend Dr. Pastor George A Mulford III, Grace Bible Baptist Church, gave the invocation and Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:01:02 p.m. No action was taken.

2. ROLL CALL

After Mayor Cheshire requested that Ms. Coulson call the roll, a quorum was declared present.

ACTION: 6:02:40 p.m. No action was taken.

(Commissioner Bell entered the meeting room during the following item.)

3. SPECIAL PRESENTATIONS

- i. 2022 Officer of the Year Award**
- ii. New Police Officer Introductions**
- iii. Educational Recognitions**

Chief Luce highlighted and recognized the following law enforcement officers’ services and contributions to the city:

- Detective Sergeant Brian Hilberer’s recent promotion; graduation from the University of Louisville’s Southern Police Institute 91st Command Officers Development Course, and service with the city’s criminal investigations unit;

- Sergeant Brad Heidt's initial role as road patrol officer; K-9 handler, criminal investigation department (CID) detective and service with traffic homicide and bicycle units; recent promotion (recommended by the multi-jurisdictional promotional board) where he serves as the department's delta shift road patrol sergeant, and his supervision with the K-9 program;
- K-9 Officer Anthony Buehler's nomination from the department where he was presented with a plaque *Fruitland Park Police Department Officer Anthony Buehler 2022 Officer of the Year* and a badge commemorating him as senior officer;
- Senior Officer David W. Hoover (who joined the department on February 17, 2020) who will be leaving to work for the City of Eustis;
- Officer Natasha Wildeman-Stuart's recent certification in traffic homicide investigations who was commemorated with a badge recognizing her with the rank of senior officer;
- Officer Gina Poesie's willingness for protecting and guiding the students;
- Officer Melody Coe's readiness in fulfilling the department's shift coverages as well as her reliance in assisting citizens;
- Officer Gavin Heffler's attendance at city-related events and his assistance with the parks and recreation program where he volunteers as coach;
- Officer Anthony Bunn's life, background and educational experience to assist the department and serve the community;
- Officer Kaleigh Richetti's completion of the department's field training program;
- Officer Austin Williams' background experience, knowledge and skills;
- Officer Breanna Allen's eagerness to learn;
- Senior Officer Jimmy Tessa, joined the city February 3, 2020 on his performance, and
- Senior Officer Courtney Corman's previous recognition as *2020 Officer of the Year*; her role in CID, and promotion to detective.

ACTION: 6:03:01: p.m. The city commission congratulated the law enforcement officers on their accomplishments.

4. **CONSENT AGENDA**

The city commission considered its action to approve the following consent agenda items:

- (a) **Approval of Minutes**
March 23, 2023 regular meeting minutes.
- (b) **Resolution 2023-024 Lemon Street Baffle Box Construction – LCWA 2023 Stormwater Grant Program Agreement**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE LAKE COUNTY WATER AUTHORITY 2023 STORMWATER GRANT PROGRAM AGREEMENT TO FUND CITY OF FRUITLAND PARK LEMON STREET BAFFLE BOX CONSTRUCTION; AUTHORIZING THE MAYOR TO SIGN THE GRANT PROGRAM AGREEMENT; PROVIDING ASSURANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

- (c) **Resolution 2023-025 Provision of Library Services Am. IIA**

A RESOLUTION OF THE CITY COMMISSIONERS OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, APPROVING AMENDMENT TO AGREEMENT RELATING TO PROVISION OF LIBRARY SERVICES; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:28:52 p.m. **On motion of Commissioner Gunter, seconded by Commissioner Mobilian and unanimously carried, the city commission approved the consent agenda as previously cited.**

- 5. **Resolution 2023-026 Settlement Agreement and Release – Fewless v. City of Fruitland Park**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING THE SETTLEMENT AGREEMENT AND RELEASE BETWEEN MICHAEL FEWLESS AND LAURIE FEWLESS, THE CITY OF FRUITLAND PARK, FLORIDA AND PREFERRED GOVERNMENTAL CLAIMS SOLUTIONS; RATIFYING EXECUTION OF THE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:22:15 p.m. After Ms. Geraci-Carver reviewed the subject issue; relayed the recommendation of approval ratifying Mayor Cheshire’s signature and indicated that the insurance company will be paying for the settlement proceeds of \$82,500, **a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-026 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

6. (a) City Manager

i. Economic Development Status Update

Mr. La Venia did not give a status on economic development.

ACTION: 6:24:34 p.m. No action was taken.

ii. Commercial Developments Permits Issued Status Update

Later in the meeting and after Mr. Rankin reviewed the proposed planned unit development (PUD) map for commercial and residential properties and the proposed development projects, he addressed his plan, in response to a question posed by Mayor Cheshire, to provide a report on the PUD where the map shows Miller Road (CR 466A) and Oliver Lane.

ACTION: 6:24:34 and 6:37:34 p.m. No action was taken.

iii. 2020 Census (City Redistricting Map) Status Update

Based on the United States Census Bureau data 2018 estimate, Mr. Rankin reviewed the populations shown in the 2018 adopted city commission political district and boundaries map. He compared the growth and percentages of same with the 2020 official population estimate and projected voting districts (options 11-A and 11-B) draft maps, and recognized the redrawing of district boundaries to be as nearly equal in population as possible; according to the proposed PUDs listed for commercial and residential properties with the projected growth which would determine how the comprehensive plan would be developed with the land development regulations (LDRs). Copies of the respective documents are filed with the supplemental papers to the minutes of this meeting.

After discussion, Ms. Geraci-Carver recognized that the city is not obligated to adjust its boundaries. She addressed the need to redistrict every ten years after the (2020) census and adopt same 12 months after the census document becomes available; mentioned her intent to review the directions under the city's charter (subsection 3.17., city commission districts and redistricting) and the code (General Election Charter Amendment Composition, Election and Terms Ordinance 2014-017), and pointed out the changes on proposed Local Redistricting House Bill 7069 to take effect July 1, 2023. Ms. Geraci-Carver suggested that the city commission ought to make reasonable adjustments to the district boundaries, if there are differences in numbers from the highest to the lowest above or below the population of 300.

ACTION: 6:24:34 p.m. and No action was taken.

(b) City Attorney

i. City of Fruitland Park v. State of Florida Department of Management Services

Ms. Geraci-Carver gave a report on the State of Florida Department of Management Services under Agenda Item 6. (b) ii.

ACTION: 7:02:17 p.m. No action was taken.

ii. Michael and Laurie Fewless v. City of Fruitland Park

Ms. Geraci-Carver reported the Michael and Laurie Fewless case have settled; however, she reported that the Florida Retirement System portion is pending and anticipated receiving an update on same.

ACTION: 7:02:17 p.m. No action was taken.

iii. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845

Ms. Geraci-Carver had nothing to report on the U.S. Bank National Association v. Robert More Lake County Case No. 2022-CA-00845.

ACTION: 7:02:17 p.m. No action was taken.

iv. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628

Ms. Geraci-Carver reported on the current discovery for the Wayne Goodridge and Tammy Goodridge Lake County Case No. 2022-CA-1628 and referred to the plaintiff's responses to the city, which are currently being reviewed by the respective attorneys.

ACTION: 7:02:42 p.m. No action was taken.

v. Fruitland Park Official City Code

Ms. Geraci-Carver addressed the official city code under Agenda Item 6. (b) vi.

ACTION: 6:58:17 p.m. No action was taken.

vi. LDR Codification

With reference to the master development agreements (MDAs), Ms. Geraci-Carver referred to the requirements under the land development regulations for land within the PUD with the execution of said MDAs and pointed out the provisions on their expiration which she believes is discretionary with the city commission.

Ms. Geraci-Carver addressed the following:

- Landscape Buffer - The community redevelopment agency's previous discussion for a uniform 25' landscape buffer along CR 466A and LPG Urban & Regional Planners' diagram on same with some suggestions to be considered at a future Planning and Zoning (P&Z) Board and city commission meetings.
- Building Height – The review and preparation of a comprehensive plan amendment and a draft ordinance on design standards, maximum intensity standard, and site development standard with provisions under the LDR where most of the building heights are at a maximum of 35' (unless the city commission allows to build higher for adequate fire protection).

The intent to add language on the number of stories to no more than three (recognizing the restrictions where there can no longer be, as it relates to density, building height and placement for affordable housing under the definition of Florida Statutes which, according to Ms. Sherie Lindh, LPG Urban & Regional Planners Inc., that if adopted, would become effective July 1, 2023) and the plan to consider same before the P&Z in May and the city commission in June 2023 before final adoption; and the subsequent submittal of the comprehensive plan to the state.

With respect to the LDR codification and different from the city's official code, Ms. Geraci-Carver announced that the present LDRs is currently available online in redline format and anticipated that a clean version would subsequently be posted.

- **Greenspace Requirements**

Later in the meeting and with respect to the LDRs, Mayor Cheshire referred to the city commission's consensus, at its March 9, 2023 meeting on greenspace requirements.

After Vice Mayor DeGrave recalled, in response to Ms. Geraci-Carver's inquiry, the setting aside of same for stormwater retention and greenspace buffer around the perimeter of the property, after much discussion, the city commission accepted the concept where she agreed to work on same and provide a report.

- **Multi-Family Dwelling Units Distance Requirements**

After Mr. La Venia addressed the multi-family dwelling units distance requirements map, Mr. Rankin recalled his recent review of the multi-family proposed map prepared by LPG Urban & Regional Planners

○ **Impact Fees**

Ms. Geraci-Carver reported that the Lake County Board of County Commissioners was reviewing and considered the establishment of new rates for (the library, parks, fire rescue, and transportation) impact fees percentage which did not pass (which was postponed).

ACTION: 6:58:17 p.m. and 7:03:00 p.m. No action was taken.

vii. Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463

Ms. Geraci-Carver had nothing to report on the Kaitlin Delong Lake County Case No. 2022-CA-00463 at this time.

ACTION: 7:02:17 p.m. No action was taken.

7. UNFINISHED BUSINESS

There was no unfinished business to come before the city commission.

ACTION: 7:15:14 p.m. No action was taken.

8. PUBLIC COMMENTS

Mr. Carl Yauk, The Villages of Fruitland Park (Pine Hills) resident, thanked Mr. Rankin for the presenting the 2020 Census (City Redistricting Map) earlier on this evening's agenda. He referred to the planning process noting that if all the projects come to fruition with imminent development, that a metro or large community park would be a stimulus and attraction to the community which he believes that the city commission ought to consider.

After Mr. La Venia, in agreement, acknowledged the county's investment in various areas in Lake County that regard, Commissioner Bell addressed the advocacy of same and recognized the .8± acres Northwest Lake Community Park which is classified as a community park which, by definition, ought to be 25 acres.

ACTION: 7:15:15 p.m. No action was taken.

9. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian - Litter

Later in the meeting and after Commissioner Mobilian voiced his concerns on the massive litter problem that exists along the CR 466 A corridor to Sumter-County line, Mr. La Venia recognized the city's continued maintenance of the median on the county's roadway which is the responsibility of the county.

ACTION: 7:22:50 p.m. No action was taken.

- (b) **Commissioner Bell**
Commissioner Bell had no business to report at this time.

ACTION: 7:19:38 p.m. No action was taken.

- (c) **Commissioner Gunter – Safe Routes to Schools Grant**
Commissioner Gunter referred to his recent discussions with Mr. La Venia that due to the new construction of the elementary school, he addressed the need to initiate and review the Safe Routes to Schools Program (the State of Florida Department of Transportation grant) especially for sidewalks for the area.

After discussion, Mayor Cheshire noted the date to receive grant applications no later than January 31, 2023 had passed and suggested contacting District 2 School Board Member Tyler Brandeburg in that regard.

ACTION: 7:20:31 p.m. No action was taken.

- (d) **Vice Mayor DeGrave**
Vice Mayor DeGrave stated that he had nothing to report at this time.

ACTION: 7:21:56 p.m. No action was taken.

10. MAYOR'S COMMENTS

- (a) **Cleanup Event**
After Mayor Cheshire referred to the April 6, 2023 email from Ms. Veronica Dau, Lake County Public Works Environmental Services and cited her conversations with Ms. Maryann Krisovitch, Surface Water Professionals (consultant retained by the city), on planning a Litter Cleanup Event with Keep Lake Beautiful and the available dates of May 13, and June 3, 2023, he recalled the annual event previously undertaken by the city.

In response, Mr. La Venia addressed his intent to notify Ms. Michelle Yoder, Parks and Recreation Director of said email. (A copy of the email is filed with the supplemental papers to the minutes of this meeting.)

ACTION: 7:22:01 p.m. No action was taken.

- (b) **Dates to Remember**
Mayor Cheshire recognized the following events:

- April 14, 2023, *State of Elections*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 p.m.;
- April 15, 2023, Community Yard Sale, Community Center, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m.;

April 13, 2023 regular meeting

- April 21, 2023, Comedy Night, 205 West Berckman Street, Fruitland Park, Florida 34731 at 8:00 p.m.;
- April 21-23, 2023 The Mark Wandall Foundation's Annual Comfort Zone Camp Program, Warren Willis Retreat Center, 4990 Picciola Road, (Unincorporated) Fruitland Park, Florida 34731 [The Mark Wandall Foundation's Annual Comfort Zone Camp Program | City of Fruitland Park Florida](#)
- April 26, 2023, Lake~Sumter Metropolitan Planning Organization, Governing Board Meeting, 1300 Citizens Boulevard, Suite 175, Leesburg, Florida at 2:00 p.m.;
- April 27, 2023, City Commission regular at 6:00 p.m.;
- April 28, 2023, Cornhole Tournament, Gardenia Park, 205 West Berckman Street, Fruitland Park, Florida 34731 at 7:00 p.m.;

ACTION: 7:23:40 p.m. No action was taken.

11. ADJOURNMENT

The meeting adjourned at 7:24 p.m.

The minutes were approved at the April 27, 2023, regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

RESOLUTION 2023-029

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NUMBER 01 TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831 BETWEEN MCCi LLC AND CITY OF FRUITLAND PARK, FLORIDA RESULTING IN A CREDIT TO THE CITY IN THE AMOUNT OF \$8,000.00; AUTHORIZING THE MAYOR TO EXECUTE THE AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park has an existing with MCCi, LLC which was amended pursuant to Addendum No. 1 dated February 8, 2022 to add Laserfiche Cloud; and

WHEREAS, Change Order Number 01 to Addendum No. 1 removes the Digital Transformation Package, Level 1, reduces the hours of User Training and Administrative Training, and provides for one day of training with Client’s Records Manager; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it serves a municipal purpose and will be a benefit to the City to amend the services provided for in the Change Order.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. Change Order No. 01 to Addendum No. 1 between MCCi, LLC and the City of Fruitland Park, Florida reducing the one-time fee in Addendum No. 1 from \$41,125.00 to \$33,125.00, **a copy of which is attached hereto**, is approved.

Section 2. The Commission authorizes the Mayor to execute Change Order No. 01 to Addendum No. 1. between MCCi, LLC and the City of Fruitland Park, Florida.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this _____ day of _____, 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL

**CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA**

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

**CHANGE ORDER NUMBER 01
TO ADDENDUM NO. 1 TO MASTER SERVICES AGREEMENT NO. 19831**

This is Change Order Number 01 ("CO") to Addendum No. 1 ("Order") dated 2/8/2022 by and between MCCi, LLC ("MCCi") and City of Fruitland Park ("Client") subject to the terms of **Master Services Agreement No. 19831** ("Master Legal Agreement"). MCCi and Client may be referred to individually as a "Party" or collectively as the "Parties". Capitalized terms used and not otherwise defined herein shall have the meaning ascribed to them in the Master Legal Agreement or the Order.

The Parties desire to amend the Order as follows:

Order Date	Document Title	Summary	Financial Impact
2/8/2022	Addendum No. 1	MCCi Service Packages	\$41,125.00
4/5/2023	Change Order 01	<p>Remove Digital Transformation Package, Level 1</p> <p>Change the Laserfiche Training Services to reflect ½ day of User Training and ½ day of Admin Training.</p> <p>Change the MCCi Activities and/ Or Deliverable under Full Records Management Configuration to state Conduct one (1) day of training with Client's Records Manager.</p> <p>These packages will be changed to reflect the above less the hours completed on the project. Client will receive an \$8,000.00 credit.</p>	-\$8,000.00
Cumulative Totals			\$33,125.00

All other terms to the Order remain unchanged.

IN WITNESS WHEREOF, the parties have caused this CO to be signed by their respective duly authorized representatives as of the date last written below:

MCCi, LLC

CITY OF FRUITLAND PARK

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5a

ITEM TITLE: Resolution 2023-030 Public Works A1A CO 4 PR 1
Cost Change Order – New Public Works Building –
Revisions to Civil Drawings

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Tuesday, April 11, 2023

SUBMITTED BY: City Attorney/City Manager/Public Works Director

BRIEF NARRATIVE: Resolution 2023-030 Change order revising
dumpster pad layout to a more optimal location for pickup and to change the
property entry gate from a double swing gate at the entrance to the property to
sturdier single cantilever slide gate.

FUNDS BUDGETED: \$835.29 (deduction) (Capital – 30541-60620)

ATTACHMENTS: Proposed resolution, A1A document

RECOMMENDATION: Staff recommends approval

ACTION: None

RESOLUTION 2023-030

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 4 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$835.29 IN THE STIPULATED SUM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park issued Invitation to Bid No. 2022-01 for construction of the City’s public works building and entered into that certain contract titled EJCDC Standard Form of Agreement between Owner and Contractor on the Basis of a Stipulated Price between the City of Fruitland Park and GSB Construction & Development Inc. (the “Contract”); and

WHEREAS, the City requested the solid waste dumpster pad layout be changed to a more optimal location for pickup, and further requested a change in the property entry gate from a double swing gate to a single cantilever slide gate that is sturdier thereby resulting in a net increase of the Stipulate Sum by \$835.29; therefore it is necessary to amend the Contract; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the City to approve Change Order No. 4.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The Stipulated Sum set forth in the Contract is increased by \$835.29.

Section 2. The Commission authorizes the city manager to execute any required approval of such extension including Change Order No. 4, a copy of which is attached hereto.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this 27th day of April, 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

AIA[®] Document G701[™] – 2017

Change Order

PROJECT: <i>(name and address)</i> Fruitland Park Public Works 2601 Spring Lake Rd. Fruitland Park, FL 34731	CONTRACT INFORMATION: Contract For: New Construction Date: October 13, 2022	CHANGE ORDER INFORMATION: Change Order Number: 4 Date: April 10, 2023
OWNER: <i>(name and address)</i> The City of Fruitland Park 506 West Berckman St. Fruitland Park, FL 34731	ARCHITECT: <i>(name and address)</i> GatorSketch Architects 1000 E. Hwy 50, Suite 201A Clermont, FL 34711	CONTRACTOR: <i>(name and address)</i> GSB Construction & Development, Inc. 8470 NE 44th Dr., Suite B Wildwood, FL 34785

The Contract is changed as follows:

(Insert a detailed description of the change and, if applicable, attach or reference specific exhibits. Also include agreed upon adjustments attributable to executed Construction Change Directives.)

As per GSB Construction Change Request #4

The original (Contract Sum) (Guaranteed Maximum Price) was	\$ 3,234,00.00
The net change by previously authorized Change Orders	\$ (22,100.81)
The (Contract Sum) (Guaranteed Maximum Price) prior to this Change Order was	\$ 3,211,899.19
The (Contract Sum) (Guaranteed Maximum Price) will be <u>increased</u> (decreased) (unchanged) by this Change Order in the amount of	\$ 835.29
The new (Contract Sum) (Guaranteed Maximum Price), including this Change Order, will be	\$ 3,212,734.48
The Contract Time will be (increased) (decreased) <u>unchanged</u> by	() days.
The new date of Substantial Completion will be	

NOTE: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

GatorSketch Architects	GSB Construction & Development, Inc.	The City of Fruitland Park
ARCHITECT <i>(Firm name)</i>	CONTRACTOR <i>(Firm name)</i>	OWNER <i>(Firm name)</i>
		
SIGNATURE	SIGNATURE	SIGNATURE
William Guidry - CA	Dominic Giannini, Pres.	
PRINTED NAME AND TITLE	PRINTED NAME AND TITLE	PRINTED NAME AND TITLE
4-10-23	4-10-23	
DATE	DATE	DATE

CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.



Change Request

To: The City of Fruitland Park
506 West Berckman St.
Fruitland Park, FL 34731

Number: 4
Date: 3/27/23
Job: 22-23 Fruitland Park Public Works
Phone:

Description: Civil Revisions PR 01

We are pleased to offer the following specifications and pricing to make the following changes:
Change Request #4 is being submitted for the revisions to the Civil Drawings per PR 01 Summary attached.

The total amount to provide this work is \$835.29
(Please refer to attached sheet for details.)

The schedule is not affected by this change.

If you have any questions, please contact me at 352-748-1949.

Submitted by: DOM GIANNINI

Approved by: _____
Date: _____



Change Request 4 Price Breakdown
 Continuation Sheet

Description: Civil Revisions PR 01

Description	Labor	Material	Equipment	Subcontract	Other	Price
Changes to Dumpster Enclosure				\$-6,850.00		\$-6,850.00
Changes to Entry Gate				\$7,609.35		\$7,609.35
Changes to Sitework/Utilities						
					Subtotal:	\$759.35
			OH/P	\$759.35	10.00%	\$75.94
					Total:	\$835.29



Change Order Request #1

Date: 3/10/23
Project Name: Fruitland Park Public Works
To: GSB Construction
Attention: Dominic Giannini

Cost or Credit for:

Removing the CMU walls and gate foundations from the dumpster enclosure, all that remains is the concrete pad and we acknowledge the new dumpster's location on the site plan per PR 01 (Changes to site drawings) sent to us on 3/6/23.

Labor and Concrete Pump	\$	-3,680.00
Material	\$	<u>-3,170.00</u>
Material & Labor Sub-Total	\$	-6,850.00
Restocking Fee for Materials Already On-Site	\$	<u>0.00</u>
This Change Will be a Cost Increase to our Contract for the Amount of (tax included)	\$	<u>-6,850.00</u>



311 NW 11th Place
 Ocala, FL 34475
 (352) 274-0823
 salesocalafence@gmail.com

Estimate Number:

E-6025

Estimate Prepared By:

Brandon Lower

4/3/2023

Estimate for:

GSB Construction & Development, Inc.

Job #1114 - Fruitland Park Public Works

2601 Spring Lake Rd

Fruitland Park, FL 34731

Sub-Total

FL-Marion (7.0000 %)

When Paying by Cash or Check

Estimate Total

When Paying by Credit/Debit Card

Convenience Fee

Total*

*Credit/Debit card payments include a convenience fee of 2.99%+29¢ per transaction.

Change Order

Line Items

Product	Description	Price	Qty	Amount
Original Contract Price				

CHANGE ORDER ITEMS LISTED
 BELOW

\$7,609.35

Product	Description	Price	Qty	Amount
72" h x 32' w Aluminum Ind Cantilever Gate	SPS OnGuard 32' Aluminum Slide Gate (Cantilever) Dual Track	\$16,829.68	1.00	\$16,829.68
*326GDDIND240	IND DD GATE 32Wx6 2" SPS40 9ga	\$6,365.74	-1.00	(\$6,365.74)
*GP6581140	GALV 6-5/8" x 11' x Sch40F	\$290.76	2.00	\$581.52
*GPSDOME658	PS DOME CAP 6-5/8"	\$33.43	2.00	\$66.86
*PSBULLDOG658	BULLDOG HINGE 6-5/8" PS	\$50.78	-4.00	(\$203.12)
52-61-TAIOO	ROLLING GATE TRACK TRUCK ASSEM	\$224.00	4.00	\$896.00
*60lbBagConcrete	* 60lbs Bags High-Strength Concrete	\$5.20	40.00	\$208.00
*HDSW24UL-MC	Heavy Duty Swing Gate Operator Includes (1) LMRRUL photoeye. Continuous Duty 24V Brushless DC Motor (1.5 HP Peak), 2,800 lbs / 22 ft Capacity, Variable speed, myQ, Wireless Master/Second.	\$4,510.95	-2.00	(\$9,021.90)
*INSL24UL-MC	Industrial DC Slide Gate Operator w/BBU Includes S505AL & LMRRUL 24VDC Brushless DC Motor Drive Continuous-duty 30FT #40 BLK Chain, 120/230V single-phase, 3PHCONV optional kit converts an input voltage of 208/230/460/575VAC, 5 Year WTY, For 2200# 70FT Gates	\$5,295.63	1.00	\$5,295.63
*DSP-7LP	Diablo Controls, Inc.-- Designed for solar powered applications. Designed to be cross talk free between other similar loops detectors. Plug and play. Switchless and self-adapting to most common installations, Small profile, Automatically compensates for loop and lead-in sizes.	\$142.57	-1.00	(\$142.57)
Saw cut loops		\$150.01	-1.00	(\$150.01)
*ELTW	Exit Loop w/ twisted wire	\$385.00	-1.00	(\$385.00)

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5b**

ITEM TITLE: Resolution 2023-031 CDBG Program FY 2023-24-2025-26 Lake County

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Tuesday, April 11, 2023

SUBMITTED BY: City Attorney/City Manager

BRIEF NARRATIVE: Resolution 2023-031 the city's agreement to participate in Lake County Community Development Block Grant Program for FYs 2023-2025

FUNDS BUDGETED

ATTACHMENTS: Proposed resolution and agreement

RECOMMENDATION: Staff recommends approval

ACTION: None

RESOLUTION NO. 2023-031

A RESOLUTION OF THE CITY OF FRUITLAND PARK, FLORIDA, PERTAINING TO THE URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING FOR APPROVAL OF AGREEMENT AND AUTHORIZATION TO EXECUTE; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under Title I of the Housing and Community Development Act of 1974, as amended (Title I), the Secretary of the U.S. Department of Housing and Urban Development is authorized to extend financial assistance to communities in the elimination or prevention of slums or urban blight, or activities which will benefit low and moderate-income persons or other urgent community development needs; and

WHEREAS, Title I provides federal funding to Lake County, Florida, to carry out eligible community development activities; and

WHEREAS, the City of Fruitland Park (City) is interested in cooperating with Lake County to undertake, or assist in undertaking, community and housing assistance activities that benefit low and moderate, income persons in the City; and

WHEREAS, the City has determined that participation in the Lake County Urban County Entitlement Community Development Block Grant Program will promote the health, safety and welfare of its citizens.

NOW, THEREFORE, BE IT RESOLVED by the City as follows:

Section 1. Recitals. The above recitals are hereby adopted as legislative findings of the City and are ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. Approval of Agreement and Authorization to Execute. **Exhibit A** County Cooperation Agreement Relating to the Community Development Block Grant Program between Lake County, Florida and the City of Fruitland Park, attached hereto as **Exhibit A**, is hereby approved. The Mayor, or a designee thereof, is authorized to execute The Urban County Cooperation Agreement relating to the Community Development Block Grant Program on behalf of the City.

Section 3. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth

to such City employees as are deemed effectual and prudent.

Section 4. Savings Clause. All prior actions of the City pertaining to the Urban County Cooperation Agreement Relating to the Community Block Grant Program, which is the subject of this Resolution, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

Section 5. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

Section 6. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 7. Severability. If any section, sentence, clause, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the remaining portions of this Resolution.

Section 8. Effective Date. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2023.

Chris Cheshire, Mayor

This ____ day of _____, 2023.

ATTEST:

Esther Coulson, City Clerk, MMC

Approved as to form and legality:

City Attorney

Exhibit "A"
Urban County Cooperation Agreement Relating to the
Community Development Block Grant Program
between the City and Lake County, Florida

URBAN COUNTY COOPERATION AGREEMENT
RELATING TO THE
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

This is an Urban County Cooperation Agreement between **LAKE COUNTY, FLORIDA**, a political subdivision of the State of Florida, the "COUNTY," through its Board of County Commissioners, and the **City of Fruitland Park**, a municipal corporation organized under the laws of the State of Florida, the "CITY," through its City Council.

WITNESSETH:

WHEREAS, the Housing and Community Development Act of 1974, as amended, makes provisions whereby urban counties may enter into cooperation agreements with certain units of local government to undertake or assist in undertaking essential activities pursuant to Community Development Block Grants (CDBG), and, where applicable, the Home Investment Partnership (HOME) Program, if at such time the COUNTY should become eligible to receive a HOME allocation, all of which are collectively referred to hereafter as "CDBGs;" and

WHEREAS, the COUNTY has qualified as an "urban county" under United States Department of Housing and Urban Development's (HUD) definition in 24 CFR § 570.3 for Fiscal Years 2021, 2022, and 2023, and intends to re-qualify as an urban county for the next successive three-year periods as required by HUD, and

WHEREAS, the COUNTY has developed and received approval of their Consolidated Plan, required by 24 CFR § 570.302 and 24 CFR Part 91, which covers the use of grant funds received under the CDBG and HOME Programs, and

WHEREAS, the COUNTY has the authority to carry out the essential community development and housing activities in the unincorporated areas of Lake County and seeks through this Agreement the authority by the CITY to carry out essential community development and housing activities within the CITY, and

WHEREAS, it is the desire of the parties that the COUNTY undertake activities in its role as an urban county necessary to plan and carry out or assist in carrying out the Community Development Program through the implementation of its Consolidated Plan for the benefit of residents of Lake County in unincorporated areas and within the CITY's limits.

NOW, THEREFORE, in consideration of the mutual covenants, premises, and representations, the parties agree as follows:

Section 1. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this agreement upon adoption hereof.

Section 2. The CITY hereby authorizes the COUNTY to submit for and receive funding under the CDBG Entitlement Program and the HOME Program (CDBGs) from the HUD for fiscal years 2024, 2025, and 2026, and all successive three-year qualification periods thereafter. The CITY further authorizes the inclusion of the CITY'S population for the purposes of calculating and making CDBGs directly to the COUNTY.

Section 3. The COUNTY shall, at no cost to the CITY, provide staff resources and other services necessary for planning and administering the Community Development Program.

URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE CDBG PROGRAM

Section 4. The COUNTY and CITY hereby agree that this agreement covers the CDBG Entitlement Program and where applicable, and the HOME Program, collectively referred to herein as CDBGs.

Section 5. By executing this agreement, the CITY hereby states that it understands it:

A. May not apply for grants from appropriations under the State CDBG Program for the fiscal years during the period in which it is participating in the Urban County CDBG Program; and

B. May receive a formula allocation under the HOME Program only through the COUNTY. Thus, even if the COUNTY does not receive a HOME formula calculation, the CITY cannot form a HOME consortium with other local governments; provided, however, that this does not preclude the COUNTY or the CITY from applying to the State for HOME funds, if the State allows.

Section 6. The CITY hereby acknowledges that pursuant to 24 CFR 570.501(b) the CITY is subject to the same requirements as are applicable to subrecipients, including the requirement of a written agreement set forth in 24 CFR 570.503.

Section 7. The COUNTY and the CITY do hereby agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities. The COUNTY will ensure that CITY officials and the citizens of the CITY have direct and frequent access to and influence on the process by which decisions are made concerning Community Development projects which either directly or indirectly affect the CITY through public hearing requirements as part of the Consolidated Planning process.

Section 8. The COUNTY and the CITY shall cooperate in the implementation of the approved Consolidated Plan during the period of the agreement for which the COUNTY qualifies as an urban county and for additional time as may be required for the expenditure of funds granted to the COUNTY for such period. The COUNTY has final responsibility for selecting CDBGs and filing the Consolidated Plan and annual Action Plans with HUD.

Section 9. With reference to the use of the CDBGs, funds to be received by the COUNTY, and including any program income generated from the expenditure of CDBGs, the COUNTY may either carry out the Community Development Program on behalf of the CITY or, in the event that the parties determine it is feasible for the CITY to perform any services in connection with the Community Development Program, the COUNTY may permit the CITY, through a separate written agreement, to carry out activities or projects in conformance with the COUNTY'S Community Development Program.

Section 10. The CITY does hereby agree to inform the COUNTY, in writing, of any income generated by the expenditure of CDBGs received by the CITY and that such program income must be paid to the COUNTY or may be retained by the CITY only if its use is defined in the separate agreement referenced in Section 9 above. The CITY agrees that any program income authorized to be retained under a separate agreement may only be used for eligible activities in accordance with all CDBG (and HOME, where applicable) requirements as may then apply.

Section 11. The parties agree that the COUNTY has the responsibility for monitoring and reporting to HUD on the use of any such program income thereby requiring appropriate record keeping and reporting by the CITY as required by 24 CFR 570.501 and 570.504. In the event the CITY closes out an income generating project or becomes eligible to receive CDBGs funds as an entitlement community, any program income on hand or received subsequent to the close out or change in status shall be paid to the COUNTY.

Section 12. The CITY shall not sell, trade, or otherwise transfer all or any portion of the CDBGs to another such metropolitan city, urban county, unit of general local government, or Indian Tribe, or insular area that directly or indirectly receives CDBGs in exchange for any other funds, credits or non-

URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE CDBG PROGRAM

federal considerations, but must use the CDBGs for activities eligible under Title I of the Housing and Community Development Act of 1974 (P.L. 93-383) as amended.

Section 13. The CITY hereby agrees to notify the COUNTY, in writing, of any modification or change in use of real property from that planned at the time of acquisition or improvement with CDBGs including disposition. In the event property acquired or improved with CDBG funds is sold or transferred for a use which does not qualify under the CDBGs regulations, the COUNTY shall be reimbursed by the CITY an amount of the fair market value equal to the portion which CDBGs funds represented of the initial purchase price and improvements. All program income received by the COUNTY from the disposition or transfer or received from the income generating projects after the time when the CITY becomes an entitlement community shall be used for eligible activities within the COUNTY'S urban county program.

Section 14. The parties do hereby mutually commit to take all actions necessary to assure compliance with the COUNTY'S certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended. CDBGs will be conducted and administered by the parties in conformity with Title VI of the Civil Rights Act of 1964, and the implementing regulations at 24 CFR part 1; the Fair Housing Act, and the implementation of the regulations at 24 CFR part 100; will and affirmatively furthering fair housing. The parties shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, and implementing regulations at 24 CFR part 6, which incorporates Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 28 CFR part 35; Title II of the Americans with Disabilities Act, and the implementing regulations at 28 CFR part 35; the Age Discrimination Act of 1975, and the implementing regulations at 24 CFR part 146; Section 3 of the Housing and Urban Development Act of 1968; and all other applicable laws.

Section 15. The parties acknowledge that the COUNTY is prohibited from funding activities in, or in support of, any cooperating municipality that does not affirmatively further fair housing within its own jurisdiction, or that impedes the COUNTY'S actions to comply with the COUNTY'S fair housing certification.

Section 16. The CITY and the COUNTY shall only be liable for negligence under this Agreement to the extent permitted under Chapter 768.28 of the Florida Statutes, as it may be amended from time to time. This section shall not be construed as waiving any defense or limitations which either party may have against any claim or cause of action by any person not a party to the agreement.

Section 17. The term of this agreement shall extend through a three-year period from the date the last party hereto signs this agreement, and shall cover HUD fiscal years 2024, 2025, and 2026. This agreement will automatically be renewed for participation in successive three-year qualification periods, unless the COUNTY or the CITY provides written notice that it elects not to participate in a new qualification period. The COUNTY, by the date specified in HUD's urban county qualification notice for the next qualification period, will notify the CITY, in writing, of its right to make such election. A copy of the COUNTY'S notification to the CITY shall be sent to the HUD Field Office, along with a copy of any written notice from the CITY indicating its election not to participate in future qualification periods, if any.

Section 18. Failure by either the COUNTY or the CITY to adopt an amendment to the agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the urban county qualification notice, will void the automatic renewal of such qualification period.

Section 19. This agreement will remain in effect until the CDBG (and HOME, where applicable) funds and program income received (with respect to the three-year qualification period of 2024, 2025, and 2026, and any successive three-year qualification periods) are expended and the funded activities completed. The COUNTY or the CITY may not terminate or withdraw from the agreement while the

URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE CDBG PROGRAM

agreement remains in effect; provided, however, that the CITY may terminate or withdraw from this agreement if the COUNTY does not receive a grant for any year during such three-year qualification period.

Section 20. By signing this agreement, the CITY hereby verifies that it has adopted and is currently enforcing:

A. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

B. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such a nonviolent civil rights demonstration within its jurisdiction.

Section 21. Notices and demands which are required to be given pursuant to this agreement will be made as follows:

A. All notices, demands, or other writings required to be given or made or sent pursuant to this agreement, or which may be given or made or sent, by any party, shall be deemed to have been fully given or made or sent when in writing and addressed as follows:

COUNTY:

Director
Office of Housing & Community Services
Lake County
P.O. Box 7800
Tavares, Florida 32778

CITY:

City Manager
City Manager's Office
City of Fruitland Park
506 West Berckman Street
Fruitland Park, FL 34731

WITH COPIES TO:

Lake County Attorney
P.O. Box 7800
Tavares, Florida 32778

B. All notices required, or which may be given hereunder, shall be considered properly given if (1) personally delivered, (2) sent by certified United States mail, return receipt requested, or (3) sent by Federal Express or other equivalent overnight delivery company.

C. The effective date of such notices shall be the date personally delivered, or if sent by mail, the date of the postmark, or if sent by overnight letter delivery company, the date of the notice picked up by overnight delivery company.

D. The parties may designate other parties or addresses to which notice shall be sent by notifying, in writing, the other party in a manner designated for the filing of notice hereunder.

Section 22. Upon signature of the last party to sign, this agreement supersedes all previous agreements between the parties relating to urban county participation.

URBAN COUNTY COOPERATION AGREEMENT RELATING TO THE CDBG PROGRAM

IN WITNESS WHEREOF, the CITY and COUNTY the parties have made and executed this Agreement on the respective dates under each signature: the COUNTY through its Board of County Commissioners, signing by and through its Chairman, and by CITY signing by its duly authorized representative.

_____, **FLORIDA**

Gary La Venia, City Manager

This ____ day of _____, 2023.

ATTEST:

City Clerk

Approved as to form and legality:

City Attorney

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

ATTEST:

Gary J. Cooney, Clerk
Board of County Commissioners
of Lake County, Florida

Kirby Smith, Chairman

This ____ day of _____, 2023.

Approved as to form and legality:

Melanie Marsh, County Attorney

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5c

ITEM TITLE: Resolution 2023-016 Urick Street Force Main Extension Project Contract Change Order #2 – Cathcart Construction Company

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Friday, February 17, 2023

SUBMITTED BY: City Attorney/City Manager/Public Works Director

BRIEF NARRATIVE: Resolution 2023-016 – Change Order #2 increases the contract with Cathcart Construction Company Florida LLC, Oviedo; by \$13,111.00 mostly due to a match line overlap in the engineered drawings that were sent out for bid that caused an additional 173 feet of 12” bore pipe to be needed to complete the job. This bust in the drawings was not picked up until the contractor had installed the pipe and noticed that they did not have enough pipe to complete other parts of the job. The additional cost of the 173 feet of pipe based off the bid amount was \$25,950.00 which was brought down to \$13,111.00 by other deductive changes to the project that the city staff was able to take out of the project. These changes are all listed in the included change order documentation. (Postponed from February 23, 2023.)

FUNDS REQUIRED: \$13,111.00 (40535-60655) “Urick”

ATTACHMENTS: Proposed Resolution 2023-016 and change order documentation.

RECOMMENDATION: Staff recommends approval of the change order. All changes as documented have been reviewed and are in-line with the field work installed.

ACTION: Adopt Resolution 2023-016

RESOLUTION 2023-016

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 2 THAT INCLUDES A THREE-DAY EXTENSION TO CONSTRUCTION TIME AND INCREASE OF \$13,111 IN THE CONTRACT PRICE REQUESTED BY CATHCART CONSTRUCTION COMPANY FLORIDA LLC, OVIEDO; AUTHORIZING THE CITY MANAGER TO EXECUTE ANY REQUIRED APPROVAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park issued ITB 2021-04 Urick Street Force Main and entered into that certain contract titled EJCDC Standard Form of Agreement between owner and contractor on the basis of a stipulated price between the City of Fruitland Park and Cathcart Construction Company Florida LLC, Oviedo dated May 9, 2022 (the “Contract”); and

WHEREAS, it is necessary to increase the contract price by \$13,111 because the station numbering error at Matchline JJ Sheet 8 and Matchline JJ sheet 9 resulted in the need for additional materials, an open cut was required due to existing watermain crossing conflict at unknown location and unknown depth, and direction by staff for consistency of material throughout the system; and

WHEREAS, the contract time was previously extended in order to obtain critical materials; and

WHEREAS, Cathcart Construction Company Florida LLC Oviedo submitted a request for a three-day extension of the construction time based on an unforeseen flaw in the directional drill pipe and the time involved in investigating and resolving the issue; and

WHEREAS, the delay did not adversely affect the city or any development that will use the utility improvements, and the city’s engineer has recommended approval of the extension; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds it is in the best interest of the city to approve the three-day extension to construction time.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The contract time set forth in the contract is extended three days and the contract price is increased by \$13,111 for a total contract price of \$2,640,218 (inclusive of Change Order No. 1).

Section 2. The Commission authorizes the city manager to execute any required approval of such extension including Change Order No. 2, a copy of which is attached hereto.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this _____ 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice Mayor DeGrave	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Mobilian	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

**SECTION 00843
CHANGE ORDER FORM**

PROJECT: **City of Fruitland Park - Urlick Street Force Main Extension**

CHANGE ORDER NO. 02

DATE OF ISSUANCE: _____

CONTRACTOR: Cathcart Construction Company - Florida, LLC

EFFECTIVE DATE: _____

ENGINEER: BESH Half, Inc.

The following changes are hereby made to the Contract Documents:

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price	Original Contract Times
\$ <u>2,608,685</u>	Substantial Completion: <u>150</u> Ready for Final Payment: <u>180</u> days or dates
Net changes from previous Change Orders	Net change from previous Change Orders
\$ <u>18,422</u>	<u>-0-</u> days
Contract price prior to this Change Order	Contract Times prior to this Change Order
\$ <u>2,627,107</u>	Substantial Completion: <u>150</u> Ready for Final Payment: <u>180</u> days or dates
Net Increase (decrease) of this Change Order	Net Increase (decrease) of this Change Order
\$ <u>13,111</u>	<u>3 Days</u> days
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
\$ <u>2,640,218</u>	Substantial Completion: <u>153</u> Ready for Final Payment: <u>183</u> days or dates

CHANGES ORDERED

I. GENERAL This change order is necessary to cover changes in the work to be performed under this contract. The General Conditions, Supplementary Conditions, Specifications and all parts of the Project Manual listed in Article 1, Definitions, of the General Conditions apply to and govern all work under this change order.

Change Order No. 2

II. REQUIRED CHANGES:

CO 2A: Add 173 LF of 12" Directional Drill due to Station numbering error at Matchline JJ Sheet 8 and Matchline JJ Sheet 9.
STA 63+76 - STA 62+03 = 173 LF, See attached Sheets 8 & 9 and K3 Directional drill log.

CO 2B: Eliminate (1) ARV at Pine Ridge Dairy

CO 2C: Change 12" Directional Drill to 10" PVC C900, DR 18. Open cut and roadway repair.

CO 2D: Change 10" DIP Force Main material to 10"C900 Force Main PVC at Poinsettia Ave, Rose Ave and Lewis St.

The original version of CO 2C had a deduct for 2 ARVs that the Contractor was not going to installed given the open cut installation. However, it was determined that the two ARVs should be installed which is accounted for in this version of the Change Order (by removing the deduction).

III. JUSTIFICATION:

CO 2A: Station number discontinuity at Matchline JJ Sheet 8 and Matchline JJ Sheet 9.

CO 2B: At Pine Ridge Dairy, there was insufficient space to install two ARVs.

CO 2C: Open cut required due to existing watermain crossing conflict at unknown location and unknown depth.

CO 2D: At Robb Dicus's direction. Consistency of material throughout the system.

IV. PAYMENT:

This change order will increased the Contract Price by \$13,111.00 per the attached.
See attached pricing sheets.

V. APPROVAL AND CHANGE AUTHORIZATION:

Acknowledgements:

The aforementioned change, and work affected thereby, is subject to all provisions of the original contract not specifically changed by this Change Order; and

It is expressly understood and agreed that the approval of the Change Order shall have no effect on the original contract other than matters expressly provided herein.

Change Order Requested by: Troy Mitchell, Robb Dicus and Cathcart Construction Company

Change(s) Ordered by: _____

RECOMMENDED BY:

BESH, Halff, Inc. _____

By: _____
(Authorized Signature) (Date)

(Title)

ACCEPTED BY:

CATHCART CONSTRUCTION COMPANY - FLORIDA, LLC

 _____ *2/7/23*
(Authorized Signature) (Date)

Matt T. Blanton, President

(Title)

APPROVED BY:

City of Fruitland Park
(Owner)

By: _____
Name and Title (Date)

By: _____
, Clerk (Date)

END OF SECTION

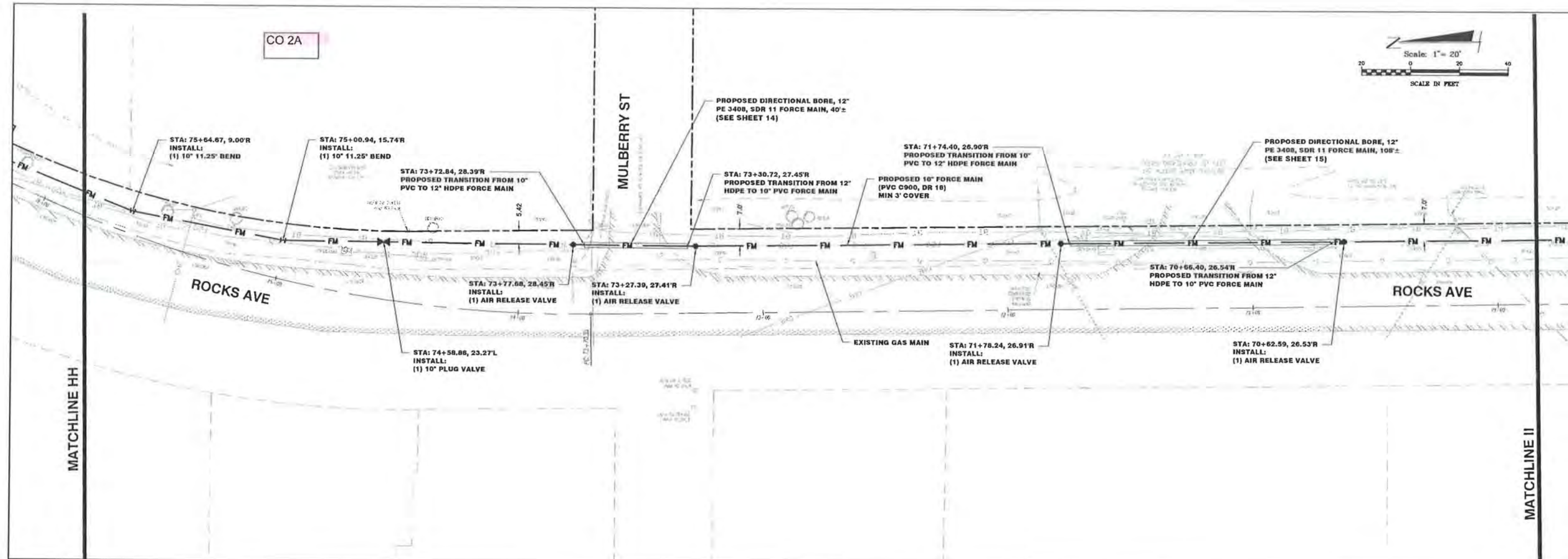
URICK STREET FORCE MAIN EXTENSION

OWNER/BID NO: CITY OF FRUITLAND PARK/ BID NO. 2021-04

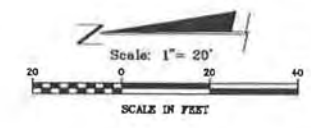
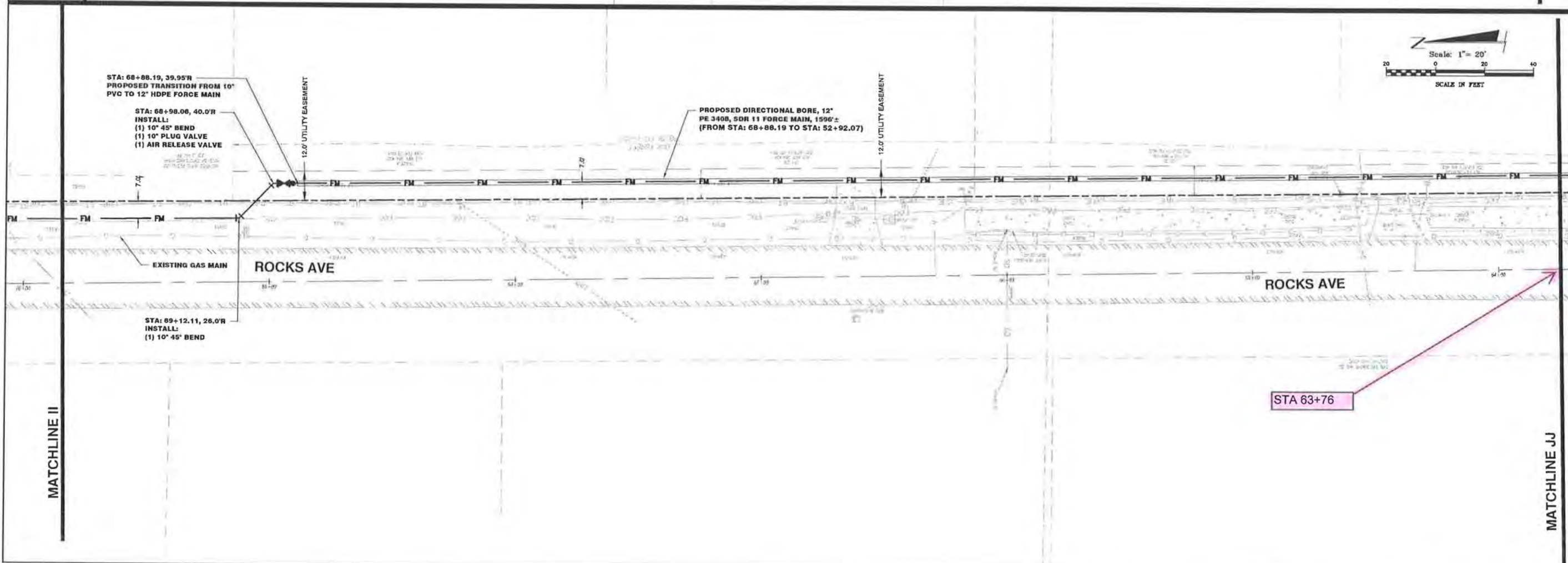
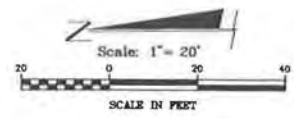
CHANGE ORDER 02A

DESCRIPTION: Add 173 LF of 12" Directional Drill

Pay Item No.	Item Description	Unit	Unit Price	Quantity	Amount
8	12" Directional Drill	LF	\$ 150.00	173	\$ 25,950.00
					\$ 25,950.00



CO 2A



STA 63+76

REVISION	DATE	BY	CHKD	APP'D

CITY OF FRUITLAND PARK
 URICK STREET FORCE MAIN
 EXTENSION
 PLAN SHEET
 ROCKS AVENUE

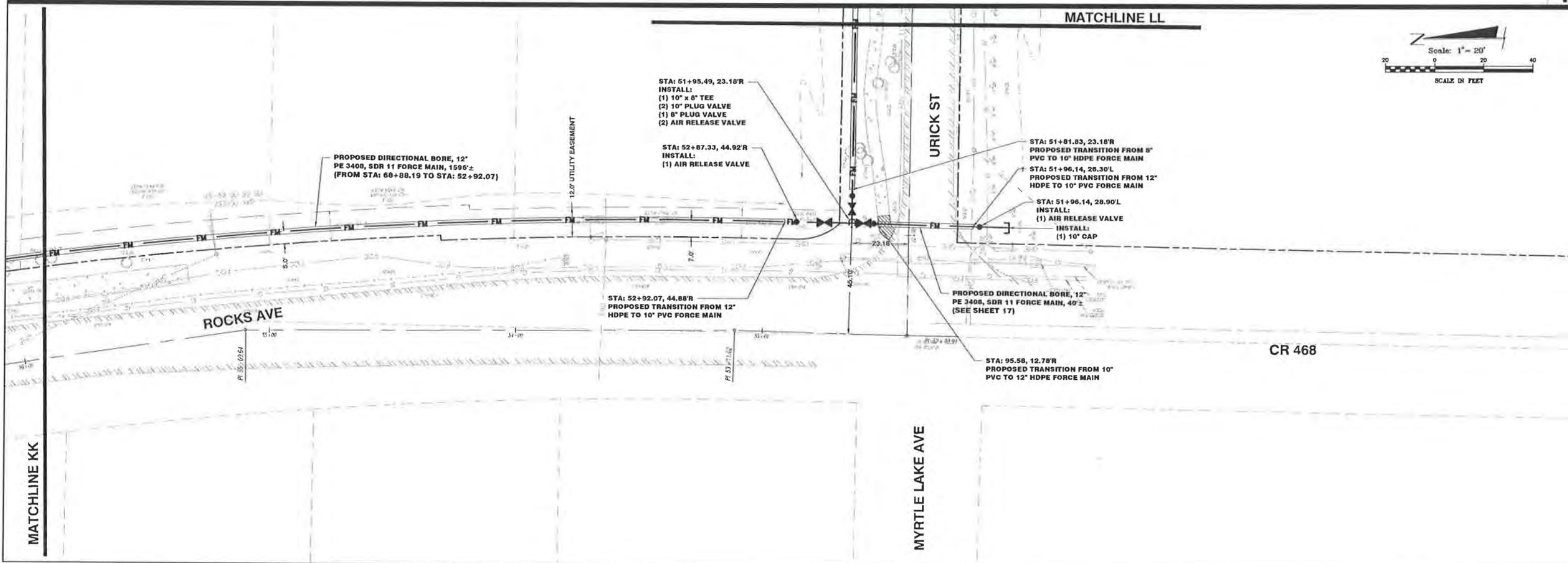
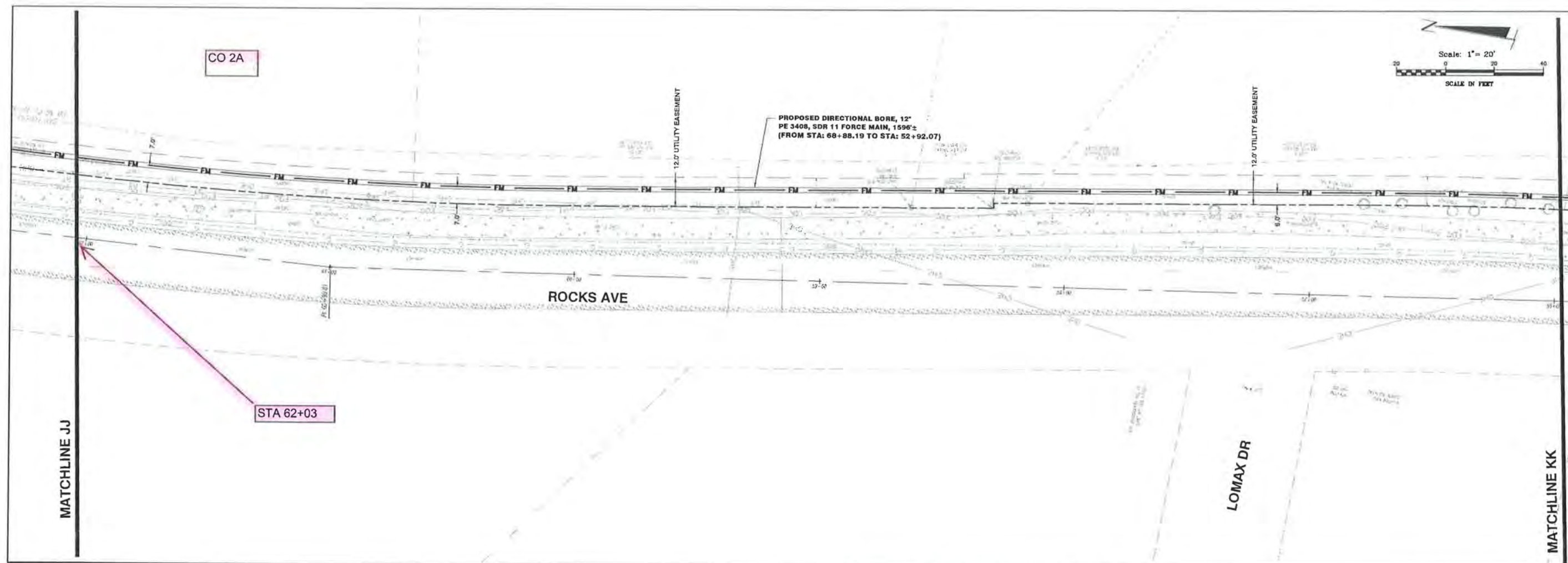


HALFF
 902 North Sinclair Ave.
 Tavares, Florida 32778
 Office: 352.343.8481
 Fax: 352.343.8495
 Certificate of Authorization Number: 33380

DATE:	AUGUST, 2021
DESIGNED BY:	BJ
DRAWN BY:	BJ
CHECKED BY:	TEM
JOB NO.:	081040.0077
FILE NAME:	

Sheet 8

Troy Mitchell, P.E.
 Registered Eng 60190



NO.	DATE	REVISION

CITY OF FRUITLAND PARK
URICK STREET FORCE MAIN
EXTENSION

PLAN SHEET
ROCKS AVE & URICK ST



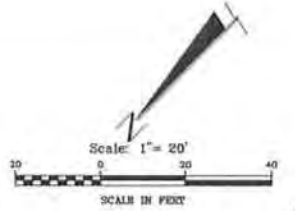
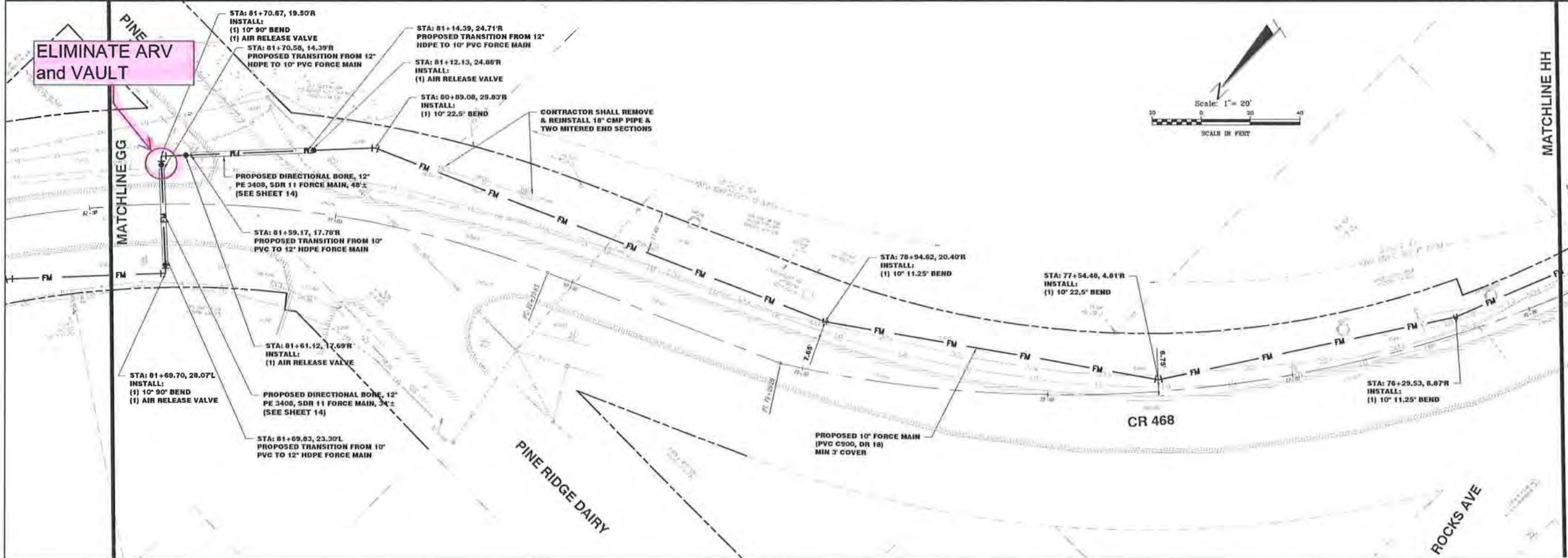
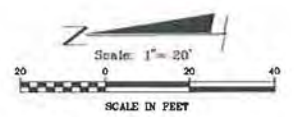
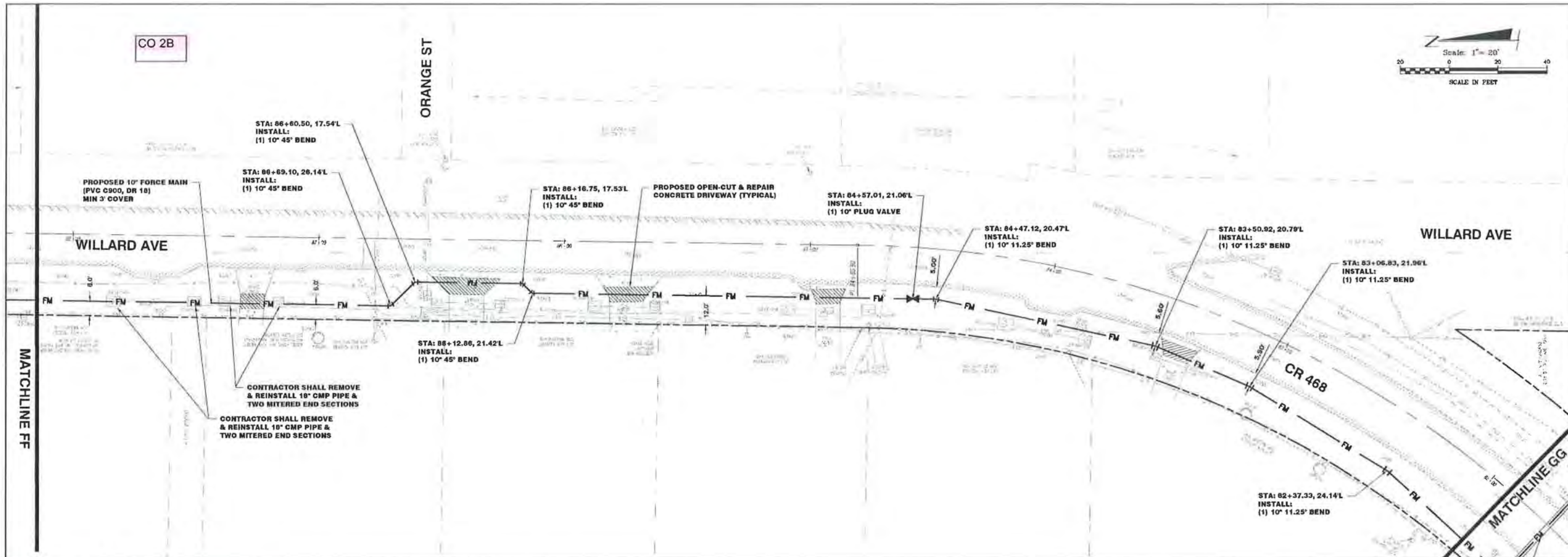
HALFF

902 North Sinclair Ave.
Tavares, Florida 32778

Office: 352.343.8481
Fac: 352.343.8455
Certificate of Authorization Number: 33260

DATE:	AUGUST, 2021
DESIGNED BY:	BJ
DRAWN BY:	BJ
CHECKED BY:	TEM
JOB NO.:	081040.0077
FILE NAME:	
Sheet 9	

Troy Mitchell, P.E.
Registered Eng 60190



**ELIMINATE ARV
and VAULT**

DATE	REVISION

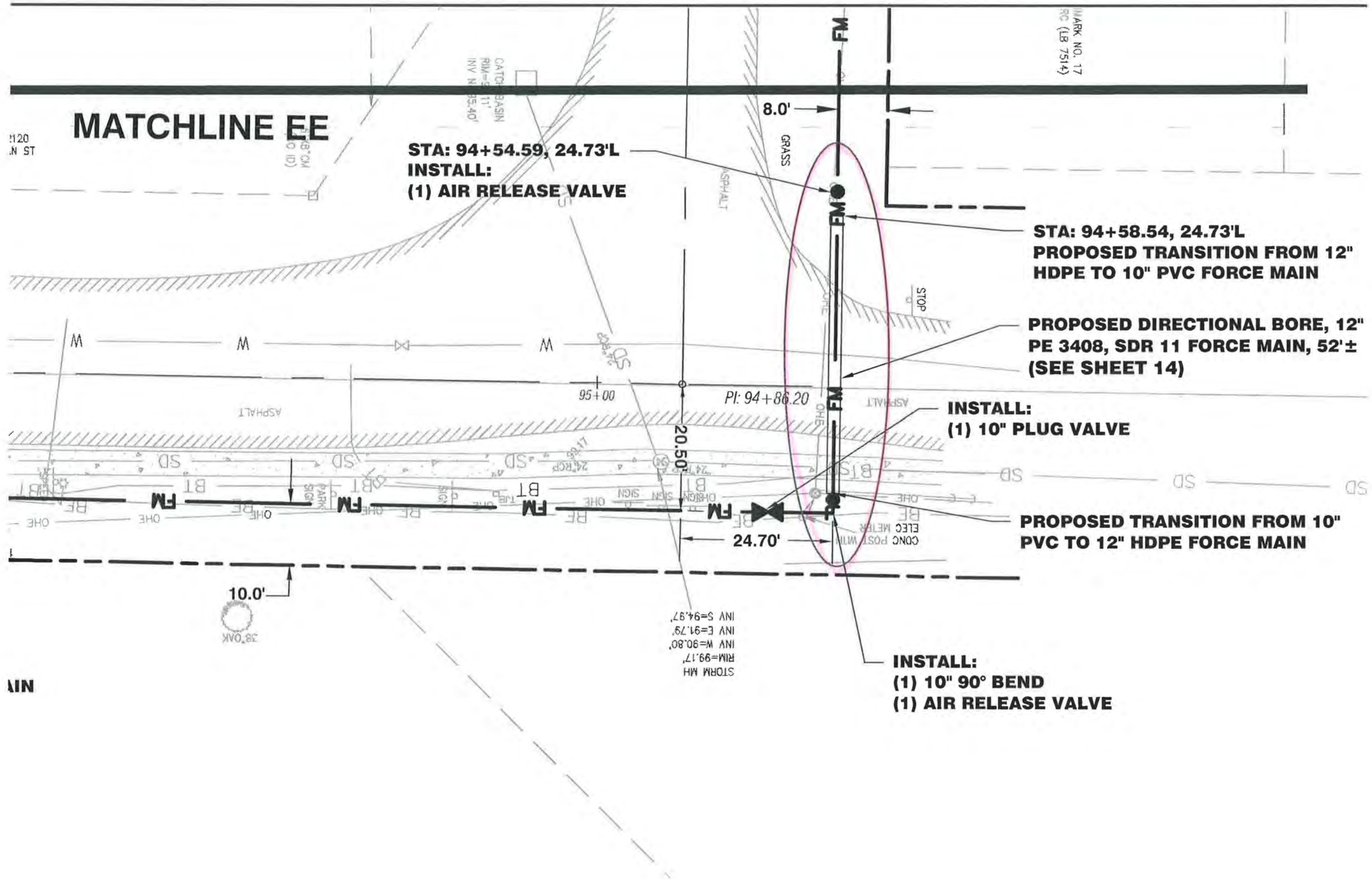
CITY OF FRUITLAND PARK
**URICK STREET FORCE MAIN
 EXTENSION**
**PLAN SHEET
 WILLARD AVE & CR 468**



HALFF
 902 North Sinclair Ave.
 Tallahassee, Florida 32378
 Office: 352.343.8481
 Fax: 352.343.8455
 Certificate of Authorization Number: 33390

DATE: AUGUST, 2021
 DESIGNED BY: BJ
 DRAWN BY: BJ
 CHECKED BY: TEM
 JOB NO: 061040.0077
 FILE NAME:
Sheet 7

Troy Mitchell, P.E.
 Registered Eng #0190



MATCHLINE EE

**STA: 94+54.59, 24.73'L
INSTALL:
(1) AIR RELEASE VALVE**

**STA: 94+58.54, 24.73'L
PROPOSED TRANSITION FROM 12"
HDPE TO 10" PVC FORCE MAIN**

**PROPOSED DIRECTIONAL BORE, 12"
PE 3408, SDR 11 FORCE MAIN, 52'±
(SEE SHEET 14)**

**INSTALL:
(1) 10" PLUG VALVE**

**PROPOSED TRANSITION FROM 10"
PVC TO 12" HDPE FORCE MAIN**

**INSTALL:
(1) 10" 90° BEND
(1) AIR RELEASE VALVE**

MARK NO. 17
RC (LB 7514)

CATCH BASIN
RIM=91.17'
INV N=95.40'

STORM MH
RIM=99.17'
INV W=90.80'
INV E=91.79'
INV S=94.97'

PI: 94+86.20

94+56

24.70'

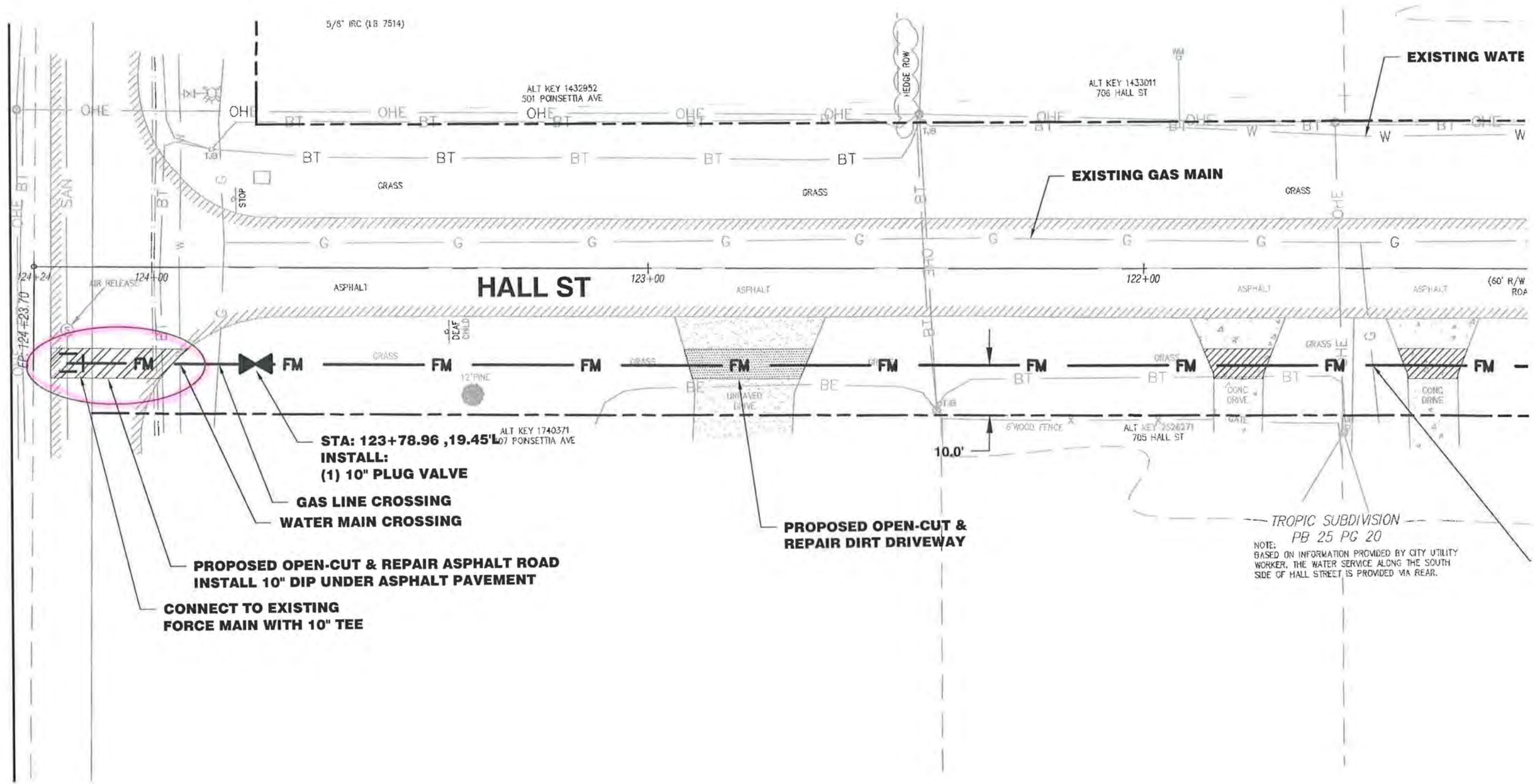
20.50'

8.0'

10.0'

120
N ST

NIN



STA: 123+78.96 ,19.45'
INSTALL:
(1) 10" PLUG VALVE

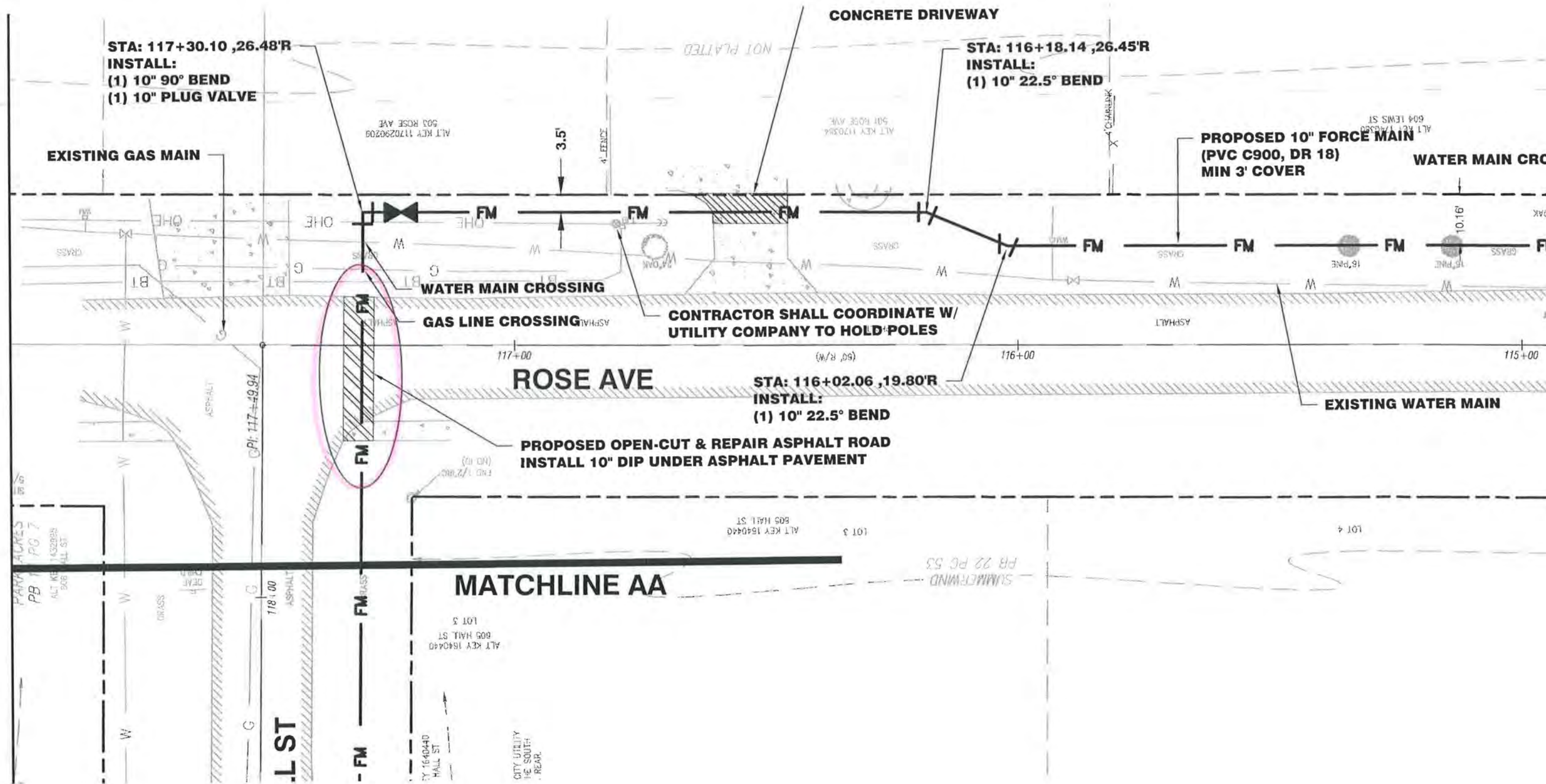
GAS LINE CROSSING
WATER MAIN CROSSING

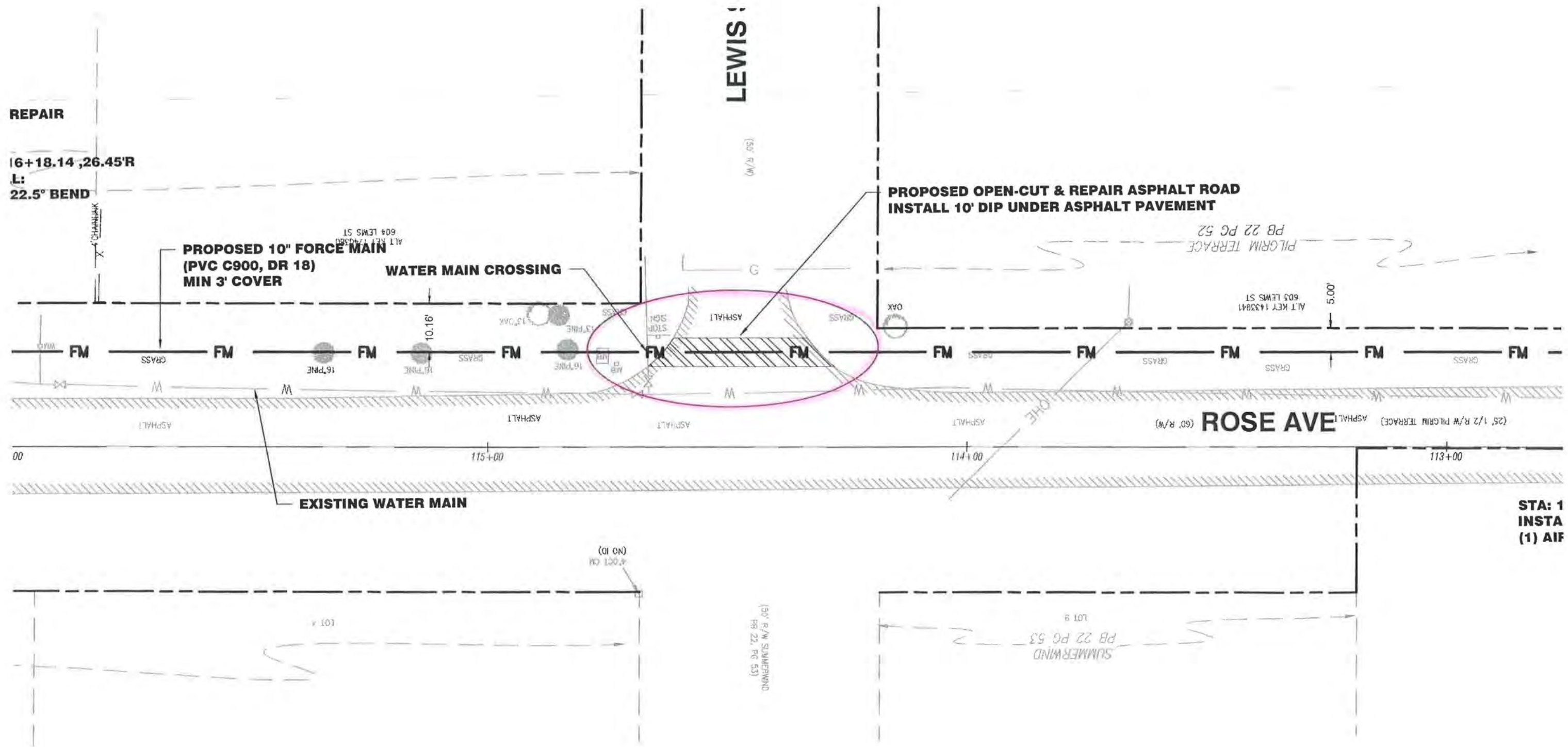
PROPOSED OPEN-CUT & REPAIR ASPHALT ROAD
INSTALL 10" DIP UNDER ASPHALT PAVEMENT

CONNECT TO EXISTING
FORCE MAIN WITH 10" TEE

PROPOSED OPEN-CUT & REPAIR DIRT DRIVEWAY

TROPIC SUBDIVISION
 PB 25 PG 20
 NOTE:
 BASED ON INFORMATION PROVIDED BY CITY UTILITY
 WORKER, THE WATER SERVICE ALONG THE SOUTH
 SIDE OF HALL STREET IS PROVIDED VIA REAR.





STA: 1
INSTA
(1) AIF

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5d

ITEM TITLE: Public Hearing – Resolution 2023-027 Preliminary Plan property located at 1130 & 1342 Lake Ella Rd.,
Petitioner: Resibuilt Homes, LLC

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Friday, April 21, 2023

SUBMITTED BY: City Attorney/City Manager/Community Development

BRIEF NARRATIVE: Resolution 2023-027 Preliminary Plan, submitted by Resibuilt Homes, LLC, for the proposed development of 159.49 ± acres to construct 603 residential units: 413 single family homes and 190 townhomes.

FUNDS BUDGETED: None

ATTACHMENTS: Proposed Resolution 2023-027 and affidavit

RECOMMENDATION: Present Resolution 2023-007 for approval to city commission only after fully executed Ordinance 2022-019 Planned Unit Development/Master Development Agreement (enacted by city commission on January 26, 2023) is executed by the owner. The resolution was approved by the Planning and Zoning Board (P&Z) on April 20, 2023; however, P&Z voted that the resolution for the preliminary plan should not move forward to the city commission until receipt of the fully executed Ordinance for the PUD/MDA.

ACTION:

RESOLUTION 2023-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF ROLLING ACRES AT LAKE ELLA GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD, FRUITLAND PARK, FLORIDA; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant has petitioned for preliminary plat approval of Rolling Acres at Lake Ella consisting of 603 dwelling units consisting of 190 town home lots and 413 single family residential lots; and

WHEREAS, the subject property consisting of 159.49 +/- acres is zoned PUD and has a future land use of Multiple-Family Low Density; and

WHEREAS, the Planning and Zoning Board and the City Commission have considered the application in accordance with Sec. 157.060(d) of the City of Fruitland Park Land Development Code and made recommendation to the City Commission; and

WHEREAS, the City Commission of the City of Fruitland Park has considered the application in accordance with the procedures for granting preliminary plan approval set forth in Sec. 157.060(d) of the City of Fruitland Park Land Development Code; and

WHEREAS, the City Commission finds that the Preliminary Plan for Rolling Acres at Lake Ella is in compliance with the City's land development regulations.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, LAKE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Granting Preliminary Plan Approval.

Approval of the Preliminary Plan for Rolling Acres at Lake Ella, a copy of which is attached hereto, is **GRANTED WITH CONDITIONS**.

Section 2. Conditions of Approval. Prior to the start of any construction activities, the Applicant shall resolve, to the satisfaction of the town manager or designee, the following Planning and Administrative matters:

- a. During the construction review process, the Applicant shall submit for approval by the City a detailed landscaping and irrigation plan that provides for trees to be planted outside of right-of-way and in locations that will not interfere with or adversely affect utility lines and sidewalks.
- b. During the construction review process, and prior to approval of construction plans, the Applicant must meet with Lake County to address to the County's satisfaction access spacing off the two county roads and offsite improvements, as

well as other transportation improvements set forth in the Master Development Agreement.

Section 3. Effective Date.

This resolution shall become effective immediately upon its passage.

PASSED AND RESOLVED this ____ day of _____, 2023, by the City Commission of the City of Fruitland Park, Florida.

SEAL

CITY COMMISSION OF THE CITY OF
FRUITLAND PARK, FLORIDA

CHRIS CHESHIRE, MAYOR

ATTEST:

ESTHER COULSON, CITY CLERK, MMC

Mayor Cheshire	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Vice Mayor DeGrave	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Commissioner Bell	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Commissioner Gunter	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)
Commissioner Mobilian	____	(Yes),	____	(No),	____	(Abstained),	____	(Absent)

Approved as to form:

Anita Geraci-Carver, City Attorney

The Villages® DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Joseph Szabo**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal #1122260 in the matter of

NOTICE OF PUBLIC HEARING

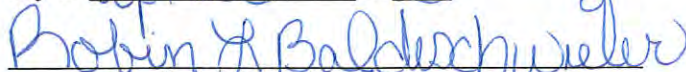
was published in said newspaper in the issues of

APRIL 13, 2023

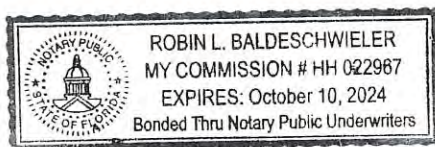
Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.


(Signature Of Affiant)

Sworn to and subscribed before me this 13
day of April 2023.

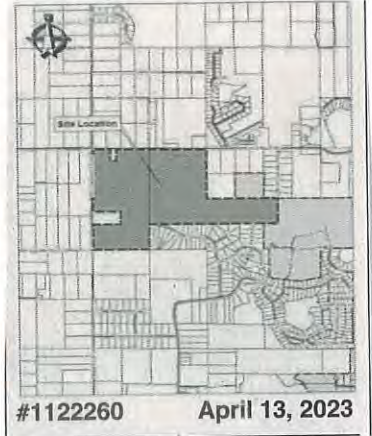

Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



NOTICE OF PUBLIC HEARING RESOLUTION 2023-027

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, GRANTING PRELIMINARY PLAN APPROVAL OF ROLLING ACRES AT LAKE ELLA GENERALLY LOCATED SOUTH OF LAKE ELLA ROAD AND EAST OF ROLLING ACRES ROAD, FRUITLAND PARK, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.



The proposed Resolution will be considered at the following public meetings:

Fruitland Park Planning &
Zoning Board Meeting
on April 20, 2023 at 6:00 p.m.

Fruitland Park City Commission
Hearing on April 27, 2023
at 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. The proposed Resolution and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed Resolution.

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6a**

ITEM TITLE: CITY MANAGER'S REPORT

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Wednesday, April 19, 2023

SUBMITTED BY: City Manager

BRIEF NARRATIVE: City Manager's Report

- i. Economic Development Status Update
- ii. Commercial Developments Permits Issued Status Report

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 6b

ITEM TITLE: CITY ATTORNEY REPORT
MEETING DATE: Thursday, April 27, 2023
DATE SUBMITTED: Wednesday, April 19, 2023
SUBMITTED BY: City Attorney
BRIEF NARRATIVE: **City Attorney Report**

City of Fruitland Park v. State of Florida – Department of Management Services: The insurance company paid FRS \$612,086.00 in March 2023 to finalize the claim.

U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley): The property owner’s lender is foreclosing on the property for non-payment of approximately \$33,204.15. The property is located at 412 Sunny Court, Fruitland Park. The City has a code enforcement lien on the property. As of June 17, 2022 the fines have accrued to \$23,350.00 and outstanding costs of \$117.04. Attorney Mark K. McCulloch, Roper & Roper, P.A. has been appointed by the City’s insurance company to defend the City. A Final Judgment of Foreclosure was entered March 24, 2023 in the amount of \$52,811.09. The sale has been scheduled for May 23, 2023 at 11 am. If the property sells at public auction for more than the judgment amount, the surplus proceeds will be held pending further Order of the Court.

Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628: The City was served with a lawsuit on September 8, 2022. A copy has been provided to the Commission. Plaintiffs file a two-count Verified Complaint. Count I – Inverse Condemnation and Count II – Trespass. Plaintiffs allege the City’s construction of the library has caused storm water to flood across Rose Avenue onto their property located at 100 Rose Ave., Fruitland Park and have converted their property into a storm water retention system. Public Risk Management (PRM) retained attorney Donovan A. Roper and Mark K. McCulloch of Roper & Roper, P.A. to defend the City. An answer and affirmative defenses were filed on behalf of the City. On October 27, 2022 Plaintiff filed a reply to the City’s affirmative defenses. A Civil Case Management Order Requiring Disclosures was entered by Judge Takac. The Order requires a non-jury trial to occur no later than 18 months from filing the original Complaint, if not sooner resolved. The trial must be held by March 2, 2024. On February 2, 2023 the City served Interrogatories and a Request to Produce on Plaintiffs. Plaintiffs filed responses March 6, 2023. No further activity has occurred since the filing of discovery responses.

Kaitlin Delong vs. City of Fruitland Park, Lake County Case No. 2022-CA-00463: Plaintiff filed a lawsuit against the City alleging damages resulting from a motor vehicle crash between a vehicle Plaintiff was operating and a marked Fruitland Park Police Department vehicle.. Insurance assigned Roper & Roper to defend the City. An Answer and Affirmative Defenses were filed on July 22, 2022. Discovery has been ongoing. Trial is scheduled on the trial docket beginning February 19, 2024. The City took the deposition of the Records Custodian from Adventhealth Walterman on April 4, 2023. Prior to the deposition it was determined that outstanding medical costs are \$35,222.85. Pre-trial conference has been ordered to occur on October 2, 2023 and for

trial to commence during the three-week trial term beginning October 9, 2023. No further activity has occurred since the deposition on April 4, 2023.

Code of Ordinances Codification: As of February 16, 2023 CivicPlus is in receipt of the City's comments. They are working to prepare proofs for the City's further review.

LDR Codification: CivicPlus was provided the adopted LDRs on September 22, 2022. On April 7, 2023 CivicPlus posted Ordinance 2022-001 which amended and restated the City's LDRs online under Code of Ordinances, "Adopted Ordinances Not Yet Codified."

FUNDS BUDGETED: 1None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 8**

ITEM TITLE: Public Comments

MEETING DATE: Thursday, April 27, 2023

DATE SUBMITTED: Monday, April 17, 2023

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: **Item Description:** This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the city commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the city commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

FUNDS REQUIRED: None

ATTACHMENTS:

RECOMMENDATION: None

ACTION: None