



City Commission Regular Meeting Minutes

June 28, 2023 at 3:30 p.m.

City Hall, Commission Chambers
401 S. Park Avenue | Winter Park, Florida

Present

Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada, and Todd Weaver; Assistant City Manager Michelle del Valle and City Clerk Rene Cranis.

1) Meeting Called to Order

2) Invocation

The invocation was provided by Pastor Eddie Rivera, Action Church, followed by the Pledge of Allegiance.

3) Approval of Agenda

4) Mayor Report

Mayor Anderson wished the Winter Park crew team good luck as they compete in the world championship for the second year in a row and asked staff to post information on their first race on social media.

5) City Manager Report

- a. Update on purchase of Bank of the Ozarks property.

Ms. del Valle reported that the city has not received a response to their offer.

She reported the following:

- The meeting schedule has been modified moving the Broadband/Smart City work session from August 10th to the 24th and revising the budget presentation schedule.
- The Board Appreciation event is tomorrow at 5:30 at the Farmers' Market.
- The commission subcommittee meeting of the 426 project is tomorrow at 3:00.

Mayor Anderson explained that the subcommittee of he and Commissioner Cruzada is to discuss expressed preferences and work with FDOT and staff in an attempt to accelerate the process to reach a recommendation.

Commissioner Sullivan suggested the city consider an option to purchase the Bank of the Ozarks (Ozarks) property with parameters that would include the purchase price, which he feels should be the asking price of \$7.5m and periodic negotiated monthly payments during a specified time period. The city would have the right to terminate but would forego the payments made. He believes one year would be an adequate time to

explore and consider available funding and provide opportunities for others to contribute toward the purchase.

Mayor Anderson recalled the city's hard offer was \$6m. Commissioner DeCiccio recalled a 10-day response on city's offer. Ms. del Valle confirmed that the 10-day period ended June 26th and Division Director of OMB Peter Moore said he contacted the realtor today but has not received a response. (It was clarified in the June 29th work session that the deadline was 10 business days that would end July 3rd)

Commissioner Weaver asked Commissioner Sullivan why he is suggesting increasing the offer to the asking price. Commissioner Sullivan said he would not want to spend \$7.5M but does not want to remove the opportunity to purchase which he feels would be difficult for the city, but not impossible; however, if bank situation changes, they may be willing to come back to the city.

Commissioner Weaver asked whether there is support to reallocate CRA funds from the post office and parking garages. Mayor Anderson noted that the extension of time and boundaries is Orange County's discretion and may be approved with certain limitations (housing, transportation, infrastructure). There was no consensus to reallocate CRA funds.

Mayor Anderson recalled there were three commissioners in the last commission meeting that might consider city funding \$5m, but he is questioned the source of the additional \$2.5m. He expressed his concern about amount of the option payment.

Commissioner Sullivan said he believes the question is how much would the city have to pay for the option and if it is \$500k, he would say no. He clarified that the offer has to be \$7.5m for an option the seller would accept, but he is looking for a price closer to the appraised value.

Mayor Anderson said one way to look at this is an agreement with the seller to "stand still" for six months for a sum of money from the city but without an agreement on the final purchase price. Commissioner Sullivan said they would have to agree to refuse any offers during that period. Mayor Anderson said a right of first refusal for six months may be better. Commissioner Sullivan said he would like a longer period than six months. Discussion followed on offer terms, price, risks and potential outcome.

Mayor Anderson asked for consensus for staff to request an option for a 12-month period at purchase price of \$7.5m. Mayor Anderson opposed because the \$7.5m cost is too high and because of the lack of funds.

Commissioner Cruzada expressed concern about lack of existing funding and effect on the operational budget. If there is consensus for an option, he suggested an amendment for assignability.

Commissioner Weaver said while there are many benefits to purchasing this property (greenspace, stormwater system improvements, future train station, roundabout), he is opposed to the purchase price.

Commissioner DeCiccio supported asking if they would consider an option, but not leading with \$7.5m. She does not believe they are a willing seller since they did not respond to the city's offer.

After additional discussion, it was agreed that Attorney Ardaman and Ms. del Valle draft a letter asking the seller if they would consider an option for 12 months with a right of first refusal and assignability but without a purchase price for consideration on Commission Reports.

6) City Attorney Report

7) Non-Action Items

8) Public Comments | 5 p.m. or soon thereafter (heard after the recess)

9) Consent Agenda

- a. Approve the minutes of the Old Library Neighborhood Meeting, June 12, 2023
- b. Approve the minutes of the regular meeting, June 14, 2023
- c. Approve the minutes of the work session, June 15, 2023
- d. Approve the following contract:
 1. Cintas Corporation - FY21-17 - Fire Protection Services; For services on an as needed basis for the remainder of the current term through May 31, 2024. Amount: \$75,000.
- e. Approve the following piggyback contract:
 1. Ferguson Waterworks, Inc. - Seminole County Contract #IFB-603115-18/GCM - Assorted Concrete, Corrugated & Drainage Pipes; For goods on an as-needed basis during the term of the Agreement through August 5, 2023; Amount: \$100,000

Motion made by Commissioner Weaver to approve the Consent Agenda; seconded by Commissioner Cruzada. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

- a. RFP - Old Library Site

Mayor Anderson asked for comments or changes to the RFP. Commissioner Cruzada asked whether a provision is necessary to incentivize recycling or reuse of building materials. It was agreed that no language is needed as this is the city's standard practice.

Upon comments by Commissioner Sullivan. Ms. del Valle said if a survey cannot be located, the city surveyor can complete the survey to confirm area of property and Mayor Anderson recalled commissioner support for 17 dwelling units per acre. There was discussion on FDOT plans for a roundabout which could impact what is permitted on this site since the impervious area will be reduced with roundabout and will affect entitlements if land area is reduced.

Motion made by Mayor Anderson to approve the scope of work, evaluation matrix, and timeline of the RFP for the Old Library site; seconded by Commissioner DeCiccio.

Amendment 1 Motion made by Mayor Anderson to amend the first bullet on Page 6 to read: without reducing entitlements, the site plan may be affected by FDOT easements; seconded by Commissioner Sullivan.

Discussion ensued on the Evaluation Criteria with the following amendments:

Amendment 2 Motion made by Mayor Anderson to amend Item 2, Financial Consideration, to add that favorable consideration will be given to strong lease payment and shorter lease term or option to buy out the lease; seconded by Commissioner Weaver.

Amendment 3 Motion made by Commissioner Sullivan to amend Item 4, Community Support, adding education and changing the weight from 10 to 20% and decreasing the weight for Item 1, Concept and Vision, from 60 to 50%; seconded by Commissioner Weaver.

Motion made by Commissioner Weaver to amend Item 3, Preservation of Existing Building, increasing the weight by 10%, reducing Item 1, Concept and Vision, by 10% and language stating this does not preclude submissions wishing to add on to the existing building. Motion failed for lack of second.

Amendment 4 Motion made by Mayor Anderson a sentence under Item 3 that reads "This does not preclude additions modifications to the existing building;" seconded by Commissioner Weaver. (Note: this motion was included in the vote for Amendment 1)

Motion made by Commissioner Weaver to amend reduce #1, Concept and Vision by 10% and increase Item 3 by 10%. Motion failed for lack of second.

There were no public comments.

Upon a roll call vote on Amendment 1 regarding retaining entitlements, Commissioners Sullivan, DeCiccio and Cruzada and Mayor Anderson voted yes. Commissioner Weaver voted no. Motion carried with a 4-1 vote. (Includes Amendment 4 regarding modifications)

Upon a roll call vote on Amendment 2, regarding lease term and buy-out, Commissioners Sullivan, DeCicco, Weaver and Cruzada and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on Amendment 3, changing the weight for Community Support and Concept and Vision categories, Commissioners Sullivan, DeCicco, Weaver and Cruzada and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion as amended, Commissioners Sullivan, DeCicco, Weaver and Cruzada and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

A recess was held from 4:58 to 5:13 p.m.

8) Public Comments | 5 p.m. or soon thereafter

Sarah Jackson, 721 Glenridge Way, expressed her excitement about Seven Oaks Park and opposition to any higher buildings in the area. She urged the commission to carefully consider whether to purchase the Ozarks property.

Steve Goldman, 2009 Venetian Way, Winter Park Land Trust, said he feels Ozarks property will be more valuable with connectivity to parks. He feels it is unrealistic to expect that this new land trust could raise the necessary funds.

Bruce Thomas, 1031 Royal St. George Drive, Orlando said the Seven Oaks Park is a lovely gateway into the city and that the Ozarks property is better suited for a park than a building.

Stephanie Breske, 640 Berwick Drive, suggested lowering property taxes instead of buying land during this economy. She feels the property will not worth purchase price in the near future.

Sally Flynn, 1400 Highland Road, favored the option clause and keeping it open until funds are found and opposed a building on the Ozarks property.

Pat McDonald, 2348 Summerfield Road, said she feels it is imperative to continue to be the city that we've always been, a charming village full of parks, and it would be foolish to walk away from this opportunity.

Ruth Heine, 2358 Summerfield Road, supported the purchase of Ozarks property and feels the city will regret not purchasing.

Brad Blum, 1169 Lakeview Drive, spoke about the loss of tree canopy and changes in the character of the city. He hopes the city will find a solution to purchase the Ozarks property as it will be worth so much more than money in the future.

Katrina Knight, sister of Daniel Knight who was killed at an event in Winter Park last year, spoke about an article in Winter Park Voice about her brother and feels portions of it were not relevant. She believes reports of the police department were not accurate.

Jennel Smith, brother of Daniel Knight, spoke about the impact of his death and loss of trust in the police and how things may have turned out if it were handled with humanity.

Mayor Anderson spoke of the tragedy of the events and wished the Knight family well as they heal. He read a statement regarding the city's action as it faces potential lawsuits and directing inquiries to the city's attorneys.

Bonnie Hamilton, 701 Douglas Avenue, expressed concern about ongoing flooding and said she hopes the city is doing everything possible to fix the infrastructure in the Hannibal Square area, particularly Douglas Avenue. She thanked the city what has been done and what will be done.

11) Public Hearings: Quasi-Judicial Matters

- a. RESOLUTION 2273-23 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1530 BERKSHIRE AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title. Director of Planning and Zoning Jeff Briggs reviewed the request.

Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner Sullivan. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- b. RESOLUTION 2274-23 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1299 HARDING STREET, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title. Mr. Briggs reviewed the request.

Motion made by Commissioner Weaver to approve the resolution; seconded by Commissioner Sullivan. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

- c. Tree Removal Permit Appeal - 1336 Palm Ave

City Arborist Jorden Hinrichsen, reviewed the background of the property, tree removal permits and photos of the live oak tree which was not permitted to be removed. The Tree Preservation Board upheld staff's denial.

Motion made by Commissioner Sullivan to uphold staff denial of the permit; seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

12) Public Hearings: Non-Quasi-Judicial Matters

- a. RESOLUTION 2275-23 - A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PROVIDING NOTICE TO THE PUBLIC OF A PENDING ORDINANCE AND DIRECTING STAFF TO DEVELOP AND PROCESS FOR ADOPTION AN ORDINANCE TO PROVIDE FOR CERTIFICATION OF COMPLIANCE OF AFFORDABLE HOUSING PROJECTS AND OTHER LAND DEVELOPMENT REGULATIONS ADDRESSING AFFORDABLE HOUSING, MIXED-USE AND MULTI-FAMILY PROJECTS.

Attorney Ardaman read the resolution by title. Mayor Anderson spoke about home rule and the legislature preempting some of the city's land use regulations. This resolution is a step toward preserving home rule while meeting intent of the legislature and the character of Winter Park.

Mr. Briggs explained the impact of the "live local act" which does not require developers to guarantee they are providing affordable housing. This resolution provides notice to developers that an ordinance is being drafted requiring certification that they are providing affordable housing.

Motion made by Mayor Anderson to adoption of the Resolution; seconded by Commissioner DeCiccio. There were no public comments. Motion carried unanimously with a 5-0 vote.

- b. Ordinance - Amending Chapter 102 of the City Code modifying the method of calculation and collection of stormwater management utility fees. (1st reading)

Attorney Ardaman read the ordinance by title.

Finance Director Wes Hamil reported the ordinance will be revised for second reading correcting the calculation of impervious surface area from a monthly rate of \$.005 to an annual rate of \$.06. He stated changing the collection method and changes the fee structure. He explained impact to different properties and stated this will provide additional revenue.

Motion made by Commissioner Weaver to approve the ordinance; seconded by Commissioner DeCiccio. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

13) City Commission Reports

Mr. Ardaman read draft language to Bank of the Ozarks expressing an interest in a 12-month option agreement to acquire the property. If bank has interest, the city would like to consider the option cost, purchase price and any other key terms required by the Bank. The city manager would be available to discuss. Verbally agreed to by Commissioners Sullivan, DeCiccio and Weaver.

Commissioner Sullivan – No report.

Commissioner DeCiccio -

- Showed photos of a limousine in a residential driveway and spoke about parking of commercial vehicles in driveway; however, stretch limos are not considered a commercial vehicle according to city code.

Mr. Briggs said zoning regulations allow personal vehicles, without commercial marking, to be parked in a driveway. He said the commission could consider prohibiting parking such vehicles in residential areas based on passenger capacity. Commissioner Cruzada noted State Statutes address private motor coaches and length limitations. Consensus was to bring back for discussion.

- Asked for a status of report on flood-prone areas, particularly the west side. Ms. del Valle advised this will be covered in tomorrow's work session.

Commissioner Cruzada – No report.

Commissioner Weaver –

- Will be participating virtually in the work session tomorrow.

Mayor Anderson – No report.

14) Summary of Meeting Actions

- Reported that WPHS crew team is participating in their second world championship.
- Agreed to language to present an option to purchase the Ozarks property.
- Approved the Consent Agenda.
- Approved the old library RFP with three amendments.
- Adopted resolutions designating two homes to the historic register.
- Upheld denial of tree permit.
- Adopted resolution providing notice of pending ordinance regarding affordable housing.
- Approved ordinance modifying calculation and collection of stormwater utility fees.
- Directed staff to look at new language regarding long vehicles such as limos parked in residential driveways.

Mayor Anderson advised that the Construction Board of Adjustments and Appeals, which does not meet regularly, will be meeting soon to consider changes to city code and will be making his appointments and reporting in the next meeting.

15) Adjournment

The meeting adjourned at 6:25 p.m.

Mayor Phillip M. Anderson

ATTEST:

City Clerk Rene Cranis