City Commission
Regular Meeting Minutes

December 13, 2023 at 3:30 PM

City Hall Commission Chambers
401 S. Park Avenue

Present
Mayor Phil Anderson, Commissioners Marty Sullivan, Sheila DeCiccio, Kris Cruzada and Todd Weaver; City Manager Randy Knight; City Attorney Kurt Ardaman and City Clerk Rene Cranis.

1. Meeting Called to Order

Mayor Anderson called the meeting to order at 3:30 p.m.

2. Invocation - Pastor Mark Tutschulte, Action Church

3. Pledge of Allegiance

4. Approval of Agenda

Mayor Anderson noted the addition of Item 13c since the original publication of the agenda last week.

5. Mayor's Report

Mayor Anderson reported on recent incidents and responses by the Fire and Police Departments and thanked them for the service they provide to residents.

6. City Manager's Report

a. Vision Zero Introduction Presentation

Danny Schoph, Cambridge Systematics, provided information on Vision Zero, a program to eliminate fatalities and serious injuries from vehicular accidents. He reviewed statistics and trends and outlined the city's action plan, expectations from the plan, and the city's role and next steps, which include education and community engagement. Mayor Anderson expressed his appreciation of this very aggressive program which helps FDOT design and prioritize projects.

7. City Attorney's Report

Mr. Ardaman reported the appeal period for OAO litigation has expired and the matter is final.

8. Non-Action Items

a. Report of appointment to Keep Winter Park Beautiful and Sustainability Advisory Board (Mayor Anderson)

Mayor Anderson reported the appointment of Sam Stark to Keep Winter Park Beautiful and Sustainable Advisory Board.

Motion made by Mayor Anderson to appoint Wayne Kalish (transfer from Firefighters Pension Board) to the Civil Service Board; seconded by Commissioner DeCiccio. (No action taken - included in motion below)

Commissioner Cruzada recommended the appointment of Terry Rooth and Commissioner Weaver recommended the appointment of Dr. Elizabeth Phillips to the Civil Service Board.

Motion made by DeCiccio to confirm the appointments, seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Commissioner DeCiccio reported the appointment of Roda Carter to the Economic Development Advisory Board to fill the unexpired term of Drew Madsen.

9. Public Comments | 5 p.m. or soon thereafter

Mary Daniels, 650 W. Canton Avenue, pointed out that Agenda Item 12b (Metro Winter Park LLP/The Commons project) does not reflect the current plan which was revised from previous meetings to 15 single-family homes and 38 multi-family and suggested that the motion be clear on what is approved. She feels the city has not considered the impact of traffic on the community and the city. She noted parking problems within the community on both sides of streets and issues for emergency vehicle access. She addressed Denning Drive, stating the street looks good but has frequent back-ups.

10. Consent Agenda

a. Approve the minutes of the regular meeting, November 8, 2023
b. Approve the minutes of the work session, November 9, 2023.
c. Approve the following piggyback contracts:
    1. Cintas Corporation - OMNIA Partners/Prince William County School Board Contract #R-BB-19002 - Facilities Management Products & Solutions - Renewal; for goods and services on an as-needed basis during the term of the agreement through October 31, 2025; Amount: $250,000
    2. Electric Supply of Tampa - OUC-KUA Contract #RFP-21-4979-OQ - Wire and Cable; for the purchase of electric wire for inventory purposes and on an as-needed basis during the term of the agreement through June 14, 2024; Amount: $750,000
    3. TAW Orlando Service Center - City of Tampa Contract #20-P-00870 - Electric Motor & Pump Repair Services - Renewal; for services on an as-needed basis during the term of the agreement through November 4, 2024; Amount: $150,000
    4. JMD Global Developers, LLC - City of Cocoa Contract #B-21-30-COC-A - Concrete Sidewalks, Curb, & Gutter Construction Services; for services on an as-needed basis during the term of the agreement through December 20, 2026; Amount: $500,000
    5. R2 Unified Technologies, LLC - NASPO Contract #AR3227 43220000-NASPO-19-ACS - Data Communication Products & Services; for goods and services on an as-needed basis during the term of the agreement through September 30, 2024; Amount: $150,000

6. Applied Aquatic Management, Inc. - State of Florida FWC Contract #21352 - Aquatic Plant Control Services; for services on an as-needed basis during the term of the agreement through August 9, 2025; Amount: $100,000
7. Vortex Companies, LLC - TIPS Contract #20110401 - Pipe Bursting; for services on an as-needed basis during the term of the agreement through May 31, 2024; Amount: $500,000
8. DataProse, LLC - City of Georgetown Contract #22-0024-GS - Utility Bill Printing, Mailing and Insert Printing Services; for services on an as-needed basis during the term of the agreement through September 30, 2024; Amount: $260,000
9. Galls, Inc. – GSA Contract #47QSWA21D008H – Clothing, Footwear, and Protective Apparel; for goods on an as-needed basis during the term of the agreement through September 29, 2026; Amount: $100,000

d. Approve the following contracts:
   1. Gerhartz & Associates, LLC - RFQ16-12 - Continuing Contract for GIS Services; for services on an as-needed basis during the term of the agreement through September 30, 2025; Amount: $160,000
   2. Irvine Mechanical, Inc. - IFB19-19 - HVAC Installation, Repair & Replacement Services - Amendment 4; for services on an as-needed basis during the term of the agreement through October 29, 2024; Amount: $500,000
   3. Paymentus Corporation - FY20-75 - Payment Management & Processing Services; for services on an as-needed basis during the term of the agreement through November 7, 2024; Amount: $978,000
   4. A Budget Tree Service Inc. - ITN23-18 - Vegetation Management Services; for services on an as-needed basis during the term of the agreement through February 14, 2024; Amount: $100,000

e. Approve the following purchase:
   1. Turf Tank - Lease of Turf Tank TWO Robot; For GPS line marking on athletic fields; Amount: $97,700
      a. Authorize opening an account with FLCLASS local government investment pool

f. Seven Oaks Park GMP Approval and Funding Amendment

g. Authorize the annual financial allocation to Habitat for Humanity of Winter Park/Maitland, Inc.

Mayor Anderson pulled Item 10b (approval of work session minutes) for discussion. **Motion made by Mayor Anderson to approve the Consent Agenda except Item 10b; seconded by Commissioner Weaver.** Mayor Anderson clarified that the main and important reason for updating the parking study is to establish a baseline to guide future decisions. **The motion was revised to include Item 10b and carried unanimously.**

9. Public Comments (heard after Item 11c)

11. Action Items Requiring Discussion

a. Appointments to Civil Service Board – (Made under Item 8a)

b. Approve 2024 State Legislative Priorities

Motion made by Commissioner Weaver to approve the 2024 State legislative priorities; seconded by Commissioner Cruzada. There were no public comments**. Motion carried unanimously with a 5-0 vote.**

c. Ravaudage Agreement Amendment for Road Improvements and Partial Reimbursement

Hong Lim, engineer, gave a presentation on the Ravaudage development and the 2017 agreement to reimburse the developer up to $1.2M for internal road improvements within the city's right-of-way. In 2020, portions of Lewis and Bennett Avenue were annexed, but were not part of the original agreement. The developer is now requesting the original agreement be amended to include those two streets. He noted this area is not part of the transportation master plan or greenways project list. He summarized the request for a 50% cost share of improvements for portions of Bennett and Lewis at an approximate cost of $602k and a 50/50 split of approximately $301k. If approved, staff recommends using the multi-modal transportation impact fees generated by the fitness center (approximately $1.9M) and those already collected for the self-storage facility (approximately $84k). He noted, however, that the developer disagrees with the multimodal methodology and will be presenting an alternate methodology in the future. He responded to questions regarding fees and responsibility for payment.

Commissioner Sullivan noted a clause in the original agreement states nothing will be paid out after 2017 and asked whether taking on the additional property overrides the 2017 termination of payments. Mr. Lim said he understands everything is completed and there are no more eligible roadways or payments to be made, and the city paid approximately $1.13M of the $1.2M. Staff worked with the city attorney to ensure there were no conflicts between this and the original agreement.

Commissioner Sullivan asked about improvements made by the developer that benefit the city. Mr. Lim said he does not foresee any additional improvements that would generate another request because the maximum reimbursement is set at approximately $301k. He explained that the cost value of enhancements provided by developer is approximately $273k. Mr. Knight said the developer donated the property for the lift station and completed an oversize stormwater pond, which benefits the city, but the city has not placed a value on those items.

Commissioner Sullivan said he feels asking for $301k when the developer has made other enhancements at its expense puts this in a different light, and that the developer should receive a portion of the $301k - how much depends on the value of the enhancements.

Mayor Anderson said he is concerned about tagging this on to an old agreement and would prefer a stand-alone new agreement, so there are no open issues with the previous agreement. He pointed out the old agreement was based on a large parcel being de-annexed and re-annexed and this portion was never in the city and feels the new agreement could be a template for future voluntary annexations. He spoke about the benefits provided by the developer above the land donation and stormwater pond. He is not opposed to $300k, especially if it is paid from mobility fees.

Commissioner Sullivan supported a separate agreement. Discussion followed on terms of agreement and Commissioner Cruzada asked about improvements and reimbursements from the City of Maitland.

Dan Bellows, Sydgan Corporation (developer), said the City of Maitland has not paid anything toward right-of-way improvements. He spoke about improvements to Monroe, addition of a bike path, and planned connectivity from the skilled nursing facility to Winter Park Housing Authority property. He said he has spent $620k on improvements of Bennett Drive. However, he may request additional funds for improvements to the city's large storm drain for which he has $500k set aside and a future commitment of about $270k from Lifetime Fitness toward Bennett and Monroe improvements.

Commissioner Weaver thanked Mr. Bellows for the enhancements, but is concerned about setting a precedent. He said he would concede, but would not agree to do this going forward.

Commissioner DeCiccio agreed with Commissioner Weaver about setting a precedent but recognizes some exceptions and the land contribution. Commissioner Weaver added he is opposed to giving up transportation impact fees.

Motion made by Mayor Anderson to approve up to $301k in the form of a new agreement specific to this property that was being annexed that was never in the city and payable from 50% of the mobility impact fees received from anything inside the Ravaudage boundaries; seconded by Commissioner Cruzada.

Sheila Reid, 780 Carver Street, said she feels the city should not continue to give Mr. Bellows what she feels is special treatment.

After additional comments, and **upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

A recess was held from 4:40 to 4:59 p.m.

9. Public Comments | 5 p.m. or soon thereafter

Mary Daniels, 650 W. Canton Avenue, pointed out that Agenda Item 12b2 (Metro Winter Park LLP/The Commons project) does not reflect the current plan which was revised from previous meetings to 15 single-family homes and 38 multi-family and suggested that the motion needs to be clear. She said she feels the city has not considered the impact of traffic on the community and the city from the project. She noted parking problems within the community and issues with emergency vehicle access. She addressed Denning Drive stating the street looks good but has frequent back-ups.

12. Public Hearings: Quasi-Judicial Matters

a. Request of Robert Lazarus, on behalf of the property owner Thomas Family Trust, for: Subdivision approval to split the property at 627 Country Club Drive, into two residential lots for single-family homes.

Senior Planner John Harbilas presented this request to subdivide the property and noted that the proposed houses meet R-2 zoning requirements without variances. The Planning and Zoning Board recommended approval.

Motion made by Commissioner Weaver to approve the request, seconded by Mayor Anderson. 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. Request of Metro Winter Park LLC to:

1. ORDINANCE 3287-23 - AN ORDINANCE OF THE CITY OF WINTER PARK AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FROM AN INSTITUTIONAL FUTURE LAND USE DESIGNATION TO A MEDIUM DENSITY RESIDENTIAL DESIGNATION ON THE FORMER PATMOS CHAPEL PROPERTIES AT 821 & 831 W. SWOOPE AVENUE AND 800, 810 & 830 W. WEBSTER AVENUE IN ORDER TO MATCH THE EXISTING R-3 ZONING. (2nd reading - Continued from November 8, 2023).
2. Conditional Use approval for a two-story, 53-unit multi-family project on the properties at 821 & 831 W. Swoope Ave. and 800, 810 & 830 W. Webster Ave. (Revised request for 18 single-family units and 25 multi-family units.)

Attorney Ardaman read the ordinance by title. A simultaneous public hearing on these requests.

City Planning Consultant Jeff Briggs reviewed the original request and changes to the plan as a result of previous meetings and public input. The site plan reflects single-family homes that front on Swoope, Webster and Capen which resulted in loss of units from the original plan.. The units on Capen were reduced in size and width in order to recoup the loss of units from changing to single-family units. Five additional on-site parking spaces were added. He reviewed the conditions recommended by the Planning and Zoning Board, which have been agreed to by the application:

1. The six parcels be combined into one replant inclusive of utility easements; single-family units be shown as individual lots;
2. No physical improvements in 20-foot radius of three live oak trees.
3. Single-family homes must be of at least four varying architectural styles.
4. Landscape plans for surface retention include new cypress trees or muhly grass/hedging on the sides with vehicular frontage at the corner.
5. Six-foot vinyl fencing to screen the rear of the houses adjacent to the dumpster area
6. Provide as-built inspections of retention systems and certify they are constructed in conformity with the plans. have been agreed to by the applicant.

Becky Wilson, attorney for the applicant, voiced no objection to the changing the agenda item title to reflect that the plan now has 15 single-family units and 38 multi-family units. She offered an additional condition that Swoope Avenue would have 23 feet of drive lane width along the southern property boundary such that the extra width will be added to the north side of the road, and after widening, build the five parking spaces. She recapped reduction of units, doubling of stormwater requirements, tree preservation, open space on corner, single-family residential on Webster, Swoope and Capen, and reduced the size of homes on Capen without variance requests.

In response to Mayor Anderson, Jeffrey Swisher, Kimley-Horn, project engineer, reviewed city, FDOT and other agency traffic standards and confirmed that ingress/egress points have been designed to accommodate traffic generated from this development and additional internal parking spaces will reduce on-street parking and the impact of parallel parking.

Mayor Anderson referred to Mrs. Daniels' comments about Denning and asked if Denning Drive modifications need to be revisited to address traffic backups and discussion followed. Commissioner Weaver addressed the bus stop (carve-outs) and suggested either a median modification or easement from the property owner for a pullout. Mayor Anderson suggested addressing it as part of the transportation plan.

Commissioner Weaver noted the narrow width of Canton and the difficulty getting residents to agree on which side parking should be allowed. He spoke about the lack of control over the sale of property and asked residents to advise the city about the potential sale of lots for the city to consider purchasing for affordable or Habitat housing.

Mayor Anderson spoke about the extension/expansion of the CRA and is encouraged by the focus on adding affordable housing, which will be discussed at the CRA work session in January.

Sheila Reid, 708 Carver Street, likes the difference, but is concerned about traffic and the mold issue in Patmos Church and the impact on neighbors during demolition.

Willie Clark, Jr., spoke about the difficulty finding property for affordable housing noting the city could have purchased this property for Habitat housing. He said he is not opposed to change but the neighborhood needs to be considered.

Ruben Paige, 840 Carver Street, opposed the project because of loss of space, traffic and impact of narrowing streets.

Gigi Papa, thanked the residents for fighting on behalf of their families and their neighborhood. She encouraged residents to continue to voice their concerns.

Charles Newton, 631 W. Swoope Avenue, noted there is school bus stop at Capen/Swoope near the Swoope entrance and suggested a four-way sign at Swoope and Capen. He also suggested traffic-calming on Webster. He urged the city and developer to notify the homeless individuals on the property, some who may struggle to read, of the demolition.

Bonnie Hamilton, 701 Douglas Avenue, expressed displeasure about informal meetings that were held onsite that should have been a formal neighborhood meeting and feels a majority would have expressed preference for Habitat housing on this property.

Mrs. Wilson advised that certain demolition techniques will be used to remediate mold and asbestos to ensure that persons on the property are notified of demolition and work with local agencies to assist them. She added that their traffic study shows that this project takes up less than 1% of the capacity on Webster, Capen and Swoope.

Motion made by Mayor Anderson to approve the conditional use with the conditions recommended by staff and the Planning and Zoning Board (summarized above) and to adopt the ordinance on second reading, seconded by Commissioner Cruzada.

Mayor Anderson reminded everyone of the CRA work session in January with Habitat for Humanity and Hannibal Square Community Land Trust.

Commissioner DeCiccio suggested providing contact information at the city to report any properties for sale. She suggested staff restudy Canton Avenue before narrowing it, consider a 4-way stop at Capen and Swoope, and look at traffic-calming on Webster.

Upon a roll call vote on the motion to adopt the ordinance, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the motion to approve the conditional use request (18 single-family units and 38 multi-family units) with the conditions, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

13. Public Hearings: Non Quasi-Judicial Matters

a. ORDINANCE 3288-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO BUILDINGS; REPEALING AND SUBSTITUTING ARTICLE II OF CHAPTER 22 OF THE WINTER PARK CODE OF ORDINANCES TO INCORPORATE THE FLORIDA BUILDING CODE WITH CERTAIN ADMINISTRATIVE AMENDMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, TRANSMITTAL AND AN EFFECTIVE DATE. (2nd reading)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner DeCiccio to adopt the ordinance, seconded by Commissioner Cruzada. 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. Request of the City of Winter Park for: An Ordinance of the City of Winter Park, Florida amending Chapter 58, "Land Development Code", Article III, "Zoning" Section 58-84 "General provisions for non-residential zoning districts", to provide definitions, submittal and reporting requirements, and other provisions for certification and implementation of development pursuant to the Live Local Act of Florida Statutes. (1st reading)

Attorney Ardaman read the ordinance by title. Planning Consultant Jeff Briggs stated this ordinance is in response to recent legislation on the Live Local Act and reviewed the impact of the legislation on consideration of multi-family projects with affordable housing components on density and height limits. Such projects would only require administrative (staff) approval. This ordinance provides definitions, submittal and reporting requirements, and penalties for non-compliance that are not outlined in State Statute.

Mayor Anderson questioned whether a sunset provision is necessary if this legislation was set aside and suggested an automatic sunset. Mr. Ardaman suggested that the ordinance could be brought back if it is thrown out in its entirety. Discussion followed on the implications of adding a sunset provision. Commissioner Cruzada noted the legislation has an expiration date of October 1, 2033. Mr. Ardaman said he will look at the language and applicability to all or portions of the legislation.

There were no public comments.

Motion made by Mayor Anderson to approve the ordinance, seconded by Commissioner Cruzada. 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. Ordinance 3289-23 - Prohibiting smoking and vaping in city parks and recreational facilities (2nd reading)

Attorney Ardaman read the ordinance by title.

Commissioner Cruzada opposed the ordinance, citing overreach where the State Florida, which regulates tobacco, created an exemption to allow cities to regulate tobacco use, but only filtered tobacco (not unfiltered or cigars).

Mayor Anderson said he feels this is broad but is a start to address times when people have interfered with the rights of others to breathe clean air. He believes enforcement concerns surround areas where people congregate for organized sports, food and beverage and views this ordinance as a way to diffuse a disruptive situation.

Commissioner Weaver supports the ordinance primarily due to his concern about the chemicals that enter the lakes and stormwater system due to discarded cigarettes.

John Papa was called to speak but was unable to join virtually.

Gigi Papa said she feels the city has not presented any evidence to create this ordinance to address a problem she believes does not exist in the city and views this as government overreach.

Mayor Anderson noted that state law prohibits cities from regulating cigars.

Hattie Bryant, 1240 S. Pennsylvania, opposed the ordinance and signs prohibiting smoking that create clutter. She feels this will be difficult to enforce.

Parks and Recreation Director Jason Seeley noted that this ordinance was created at the request of the Parks and Recreation Advisory Board after hearing a presentation from Tobacco Free Florida. Mayor Anderson asked if hard data was presented. Mr. Seeley said he would have to review.

Motion made by Mayor Anderson to table the ordinance to January 10, 2024, seconded by Commissioner Cruzada. Motion failed with a 2-3 vote. Commissioners Cruzada and Mayor Anderson voted yes. Commissioners Sullivan, DeCiccio and Weaver voted no.

Motion made by Commissioner Weaver to approve the ordinance, seconded by Commissioner Sullivan. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Weaver and Mayor Anderson voted yes. Commissioner Cruzada voted no. Motion carried with a 4-1 vote.

14. City Commission Reports

Commissioner Sullivan -

- Addressed the Consent Agenda Item 10h, Authorization of GMP and funding for Seven Oaks Park. He suggested moving ahead with the current scope but consider items that could be removed to preserve ARPA and reserve funds. He believes the value of the items needs to be weighed against what is being given up to acquire them but is concerned about how to continue to make progress.

Mr. Knight explained the risks to the project if items are removed from the scope after work has started and said the GMP is based on a specific plan and the challenge is stopping the project and renegotiating the contract.

Commissioner Sullivan asked for the construction schedule. Mr. Seeley said the contractor is updating the construction schedule which he will provide to the commission. Discussion followed on potential reductions in the scope i.e., removal of the fountain), timing and impact of making changes to the scope, i.e. ordering of materials. Mr. Seeley said approval of the GMP tonight triggers ordering of materials.

Commissioner Weaver asked if there were any accommodations to provide parking for area businesses during construction. Mr. Knight advised that businesses were provided maps showing alternative parking locations.

Commissioner DeCiccio -

- Spoke about a parcel of land owned by the City near Glenridge Middle School and Lake Spier and suggested the city clean up the property and build a path for student crossing. Consensus was for staff to develop a cost estimate to clean up and create path to connect to Lake Baldwin, possibly using grants that relate to children's safety.

Commissioner Weaver -

- Spoke about the sidewalks and bike lanes on Glenridge and suggesting eliminating a bike lane and widening the sidewalk on the south side of Glenridge Way.

Commissioner Cruzada-

- Asked if staff is aware that the block wall on the north side of Aloma Avenue, west of Lakemont. is collapsing and leaning on a light pole which creates a safety hazard for pedestrians and vehicles. Mr. Knight advised that the wall is on FDOT property and that staff is working to determine responsibility for the wall, which will require extensive excavation and reconstruction.

15. Summary of Meeting Actions

- Received presentation on Vision Zero.
- Reported board appointments. Confirmed appointments to the Civil Service Board.
- Approved the Consent Agenda.
- Approved the state legislative priorities.
- Approved terms of Ravaudage agreement under a stand-alone agreement.
- Approved the lot split 627 Country Club Drive.
- Approved the ordinance and conditional use for The Commons project (former Patmos Chapel).
- Adopted the ordinance amending the building code.
- Tabled the ordinance prohibiting smoking and vaping in public parks and recreational facilities.
- Staff to prepare a notice advising people who to contact when they become aware of a property available for the city to purchase for a Habitat house.
- Staff to look at changing the intersection of Capen and Swoope to a four-way stop.
- Staff to reconsider narrowing of Canton.
- Staff to look at traffic calming on Webster.
- Bring back a discussion on the Seven Oaks Park funding.
- Staff to look at property along Lake Spire as well as moving the bike lanes to the south side of Glenridge.
- Staff to increase efforts to address the collapsing wall on Aloma.

16. Adjournment

The meeting was adjourned 7:01 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis