City Commission
Regular Meeting Minutes

December 8, 2021 at 9:30 a.m.

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

Present

Mayor Phillip Anderson; Commissioners Marty Sullivan, Sheila DeCiccio, Carolyn Cooper and Todd Weaver; City Manager Randy Knight; City Attorney Kurt Ardaman; City Clerk Rene Cranis.

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 9:36 a.m. Mayor Anderson noted that this morning meeting will cover administrative items and the afternoon meeting will convene at 2:30 for other items and public hearings.

2) Approval of Agenda

Motion made by Commissioner Cooper to approve the agenda. (No second was audible). Motion carried unanimously with a 5-0 vote.

3) Mayor Report

Mayor Anderson spoke about commission priorities and how they impact decisions.

4) City Manager Report

a. Meet Your Department: Police Department

Police Chief Michael Deal spoke about the Police Department's organization and responsibilities and showed a video created by his staff which will also serve as the department's new recruitment video.

b. Confirmation of Gloria Eby as the City's Natural Resources Director

Mr. Knight introduced Gloria Eby and recommended her confirmation as the new Director of Natural Resources. He outlined his plan to delay moving the Urban Forestry under this new department to build the Sustainability team.

Motion made by Commissioner Weaver confirm Gloria Eby as the City's Natural Resources Director; seconded by Commissioner DeCiccio.

Commissioner Weaver welcomed Ms. Eby and asked about the budget for Urban Forestry and Sustainability. Mr. Knight explained that the lakes division is fully funded from the stormwater fund and that Sustainability and Urban Forestry divisions are funded from general fund regardless of the department.

Commissioner DeCiccio said she feels Urban Forestry works well in Parks and Recreation and should remain, at the very least for one year. Discussion followed on the feasibility and timing for moving the Urban Forestry and Sustainability divisions under this new Department of Natural Resources and staff expertise needed in these areas.

Mr. Knight recommended evaluating the program at six months due to the workload and to give Ms. Eby time to become acclimated.

Motion to confirm Ms. Eby's appointment carried unanimously with a 5-0 vote.

Consensus was to revisit the reassignment of Urban Forestry and Sustainability in six months.

c. City Manager's Report

Commissioner Sullivan spoke about testing wastewater for detection of existence of COVID by Altamonte Springs and asked that staff explore testing of other city wastewater outflows to other plants.

Mr. Knight explained the flow to other plants and to city plants. He said he receives a weekly report from Altamonte Springs but the question is what do we do with the data and noted that the medical community is also getting the data. Discussion followed on testing and how and at what point the data would be used.

David Zusi, Director of Water and Wastewater Utility, stated that the City of Orlando used an outside lab to test and that the Winter Park would have to do the same and assume the cost for testing. He noted that approximately 2/3 of the city's service area is in unincorporated Orange County and that the city's outflow is a small fraction of wastewater treated by other plants.

Commissioner Sullivan noted that the advantage to testing is that it will capture asymptomatic cases and that a threshold is needed to determine need for action. He asked for testing costs. Mr. Knight advised that the city could implement testing and he could approve within his purchasing authority.

After discussion consensus was for staff to explore testing and develop a threshold for action. Mr. Knight said he will begin forwarding reports released by Altamonte Springs.

5) City Attorney Report

Mr. Ardaman reported on the status of creating a deed restriction to restrict the use of the West Meadow to park land.

6) Non-Action Items

7) Public Comments (items not on the agenda)

There were no public comments.

8) Consent Agenda

a. Approve the minutes of the regular meeting, November 10, 2021
b. Approve the minutes of the joint work session with Planning and Zoning Board, November 17, 2021
c. Approve the minutes of the special meeting, November 23, 2021
d. Approval of the formal solicitations:
   1. Advanced Roofing, Inc. dba Advanced Green Technologies -RFP14-21 - Solar Panel & Awning Fabrication, Installation, and Financing; Amount: $930,000
   2. Tri-State Utility Products, Inc. - IFB28-21 - Purchase of 15kV Pad Mounted Switches and 3-Phase Padmount Transformers; Amount: $150,000
   3. Stuart C. Irby Utilities - IFB28-21 - Purchase of 15kV Pad Mounted Switches and 3-Phase Padmount Transformers; Amount: $125,000
   4. Wesco-Anixter - IFB28-21 - Purchase of 15kV Pad Mounted Switches and 3-Phase Padmount Transformers; Amount: $300,000
   5. Zabatt Engine Systems, Inc. - IFB9-21 - Generator for Community Center; Amount: $181,000
   6. Canin Associates, Inc. - RFQ27-21 - Continuing Urban Design Services **(Removed by Mayor Anderson)**
   7. Toole Design Group, LLC - RFQ27-21 - Continuing Urban Design Services **(Removed by Mayor Anderson)**
e. Approve the following piggyback contract:
   1. Musco Lighting, Inc. - Clay County Contract #RFP18/19-2 -Equipment & Amenities for Parks & Playgrounds; Amount: $155,000 for goods and services on an as-needed basis during the remainder of the term of the Agreement, contract term through May 28, 2022
f. Approve the following contracts:
   1. Paymentus Corp. - FY20-75 - Professional Survey Consulting Services; Amount: $350,000 for services on an as needed basis during the term of the Agreement. **(Correction FY20-75 is for Payment Management and Processing Services)**
   2. Trane Company - FY17-46 - Chiller/HVAC Maintenance; Amount: $116,000 for services on an as needed basis for the remainder of the current term of the Agreement.

3. The Davey Tree Expert Co. - ITN23-18B - Vegetation Management Services; Amount: $600,000 for services on an as needed basis during the term of the Agreement.

g. Approve proceeding with projects allocated for ARPA Funding. **(removed by Commissioner Weaver)**

Motion made by Commissioner Weaver to approve Consent Agenda Items a-c; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Cooper to approve Consent Agenda Items (d)1 -5; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.

Items (d)6-7: Mayor asked for clarification on these agreements. Bronce Stephenson, Director of Planning and Transportation, provided information on selection of urban design services and intent for use under these contracts.

Mayor Anderson spoke on experience and services available under these contracts and discussion followed.

Motion made by Commissioner Weaver to approve Consent Agenda Items (d)6-7 and e and f; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

Item g: Jason Seeley, Director of Parks and Recreation reviewed the proposed plans and cost for the Meadows recreation space that includes a play area for sports ($4k), playground ($48,750k), fence separating parking area from play areas (3k), amenities ($3k), and ADA access (3k). Staff is recommending rebuilding the basketball court ($40k), as opposed to resurfacing ($15k), which would increase the total project cost from $76,750 to $101,750. He confirmed that the Housing Authority will be responsible for maintenance.

Commissioner Cooper noted that the Housing Authority (HA) owns a piece of land that runs along the side of its property that the city needs for access from Monroe. She would like for city to purchase the land (currently used for stormwater drainage). Mr. Knight said that the property runs down the west side of the property from Monroe to the city tree farm and that the city could purchase this area or negotiate a permanent easement across the property.

Mayor Anderson said he appreciates highlighting the long-term perspective from redevelopment but views that as separate from the ARPA funding allocation and the request for funds beyond the original allocation.

Mr. Seely stated that the original ARPA fund allocation was $50k and the funding request for consideration is for a minimum of approximately $75k or $102k depending on whether the basketball courts are resurfaced or rebuilt. Based on concerns expressed about protecting the city's investment, city staff could do periodic inspections, but would not be responsible for maintenance.

Motion made by Commissioner DeCiccio to allocate $101,750 in ARPA funds and direct staff to commence negotiations for road access, but the playground is not contingent on the road access; seconded by Commissioner Sullivan.

Commissioner Weaver said he could support an easement but not road because he feels it would adversely impact the neighborhood.

Motion made by Commissioner Cooper to amend the motion changing the amount to $50k allocation for this project or $100k with the associated easement for access to the tree farm from Monroe. Motion failed for lack of second.

Motion made by Commissioner Cooper to amend the motion to reduce the ARPA allocation to $50k for a maintenance renovation of the existing playground; seconded by Commissioner Weaver.

Motion made by Commissioner Cooper to amend the motion to allocate $100,000 in ARPA funds with the receipt of the associated land or easement to the city for access to Monroe; seconded by Mayor Anderson.

Commissioner Sullivan suggested that, in light of the this being adjacent to the affordable housing complex, its residents are Winter Park residents and should be treated equitably. **Motion made by Commissioner Sullivan to approve this area as a Winter Park park. (Withdrawn)**

Commissioner Sullivan clarified that is his motion is to fund at $101,750 and make it a public park; seconded by Commissioner Weaver. (Withdrawn)

Commissioner Cooper asked for the impact on city staff and the budget. Mr. Seeley estimated the parks maintenance contract could increase by approximately $3k/year and the basketball court would have to be resurfaced every five years at an approximately cost of $10k. It would also require the addition of a park ranger. Discussion followed on how staff and the public would access the park.

Motion made by Commissioner Weaver to table the matter of making it a public park. (Withdrawn)

After comments, Commissioner Sullivan withdrew his motion and Commissioner Weaver withdrew his motion to table

There were no public comments.

Upon a roll call vote on the amendment to allocate $100k of ARPA funds with the receipt of the associated land or easement to the city for access to Monroe, Commissioner Cooper voted yes. Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted no. Motion failed with a 1 – 4 vote.

Upon a roll call vote on the amendment reducing the funding to $50, Commissioners Cooper and Weaver voted yes. Commissioners Sullivan and DeCiccio and Mayor Anderson voted no. Motion failed with a 2 – 3 vote.

Upon a roll call vote on the main motion to allocate $101,750 and pursue an easement for access, Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5 – 0 vote.

Motion made by Commissioner Weaver to approve Consent Agenda Item g; seconded by Commissioner Sullivan. There were no public comments. **Motion carried unanimously with a 5 – 0 vote.**

Mayor Anderson declared a recess at 11:08 and reconvened the meeting at 11:18.

9) Action Items Requiring Discussion

a. Discussion of Mayor's State of the City Address

Motion made by Mayor Anderson to schedule a second event on Sunday, February 27th; seconded by Commissioner Cooper.

Mayor Anderson suggested an open forum for the future that includes comments from each member of the commission and the public.

It was suggested and agreed upon that that the event be held in the early afternoon at 2 or 3:00.

Upon a voice vote, motion carried unanimously with a 5 – 0 vote.

To accommodate the public present for Item c, it was addressed before Item b.

c. Settlement of 654 Selkirk Drive setback issue

Mayor Anderson advised that the settlement proposal involves a net/net financial commitment between $400k and $600k.

Mr. Knight stated that under the agreement, the city would acquire the property and then either sell the property as is with the understanding that the buyer would have to remove anything encroaching into the setback or the city could remove the building and sell the property as a vacant lot.

Commissioner Cooper said other options include donating to Habitat for Humanity or Hannibal Square Land Trust.

Mr. Knight stated it is preferable that a decision is made today so the neighbors are aware of the resolution and because there are five weeks until the next commission meeting. He said he is not aware of the salvageable value of what is there right now but received an estimate of $30k to remove the encroaching building.

Commissioner Cooper opposed settling and feels it should go to Board of Adjustments to consider the variance. She said she toured the neighborhood and sees no huge loss of enjoyment or use of anyone's property.

Discussion followed on the options, potential outcomes and cost.

Commissioner Weaver said he can support remediating the setback but not demolition of the house or this going before the BOA. Mr. Ardaman said the hearing would be held at the applicant's request.

Motion made by Mayor Anderson to approve the terms of the settlement offer and direct the process for Notice of Disposition (NOD) and to sell the house and lot as is; seconded by Commissioner Cooper.

Responding to questions, Mr. Knight explained the explained calculation of expenses incurred by the applicant due to delays with the project and in the purchase of another house or property. He said discussions were held with the applicant on potential redesign which the applicant did not want to pursue.

In response to Commissioner Sullivan, Mr. Ardaman opined that this settlement is the best deal for the city based on the applicant's higher initial request and on the commission's desire to resolve this issue for the benefit of the parties involved.

Mr. Knight noted that this is was a staff error, not builder error, and staff is developing process for calculation of setbacks, accountability and administrative approvals.

Responding to additional comments, Mr. Knight stated he and staff could look at he house to determine what would be necessary to weatherproof the house until disposition. He also noted that there were two neighborhood meetings and residents were divided on an acceptable solution.

Motion made by Commissioner Sullivan to amend the motion to weatherproof the structure (assuming the motion passes and the city owns the property) and staff would come back at a future date with options and recommendations on disposition of the property (including demolishing the home or donating it to Habitat for Humanity); seconded by Commissioner Weaver.

Paul Mandelkern, 653 Selkirk Drive, spoke on setbacks in the neighborhood. He feels there is no other solution to cure the encroachment and urged the city to accept settlement and move forward with NOD as soon as possible.

Upon a roll call vote on the amendment, Commissioners Sullivan, DeCiccio and Weaver voted yes. Commissioner Cooper and Mayor Anderson voted no. Motion carried with a 3 - 2 vote.

Upon a roll call vote on the main motion as amended (to pursue the settlement and come back with a disposition strategy), Commissioners Sullivan, DeCiccio, Cooper and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Mr. Knight noted that, for the record, the settlement agreement will be drafted based on the commission's actions. Mr. Ardaman said the City Manager's recommendation included granting the City Manager the authority to work with the City Attorney to prepare the settlement agreement. Commissioner DeCiccio asked that this be presented at the next meeting.

b. Consideration of the acquisition of the property at 1401 Howell Branch Road.

Mr. Knight summarized proposal for purchase at the appraised value of $1.41M and with plans for the building to occupy more than 70% of the building, the purchase could be partially funded by permit fee revenues and the remaining funds (approximately $470k) would come from reserves.

Motion made by Commissioner Weaver to approve the acquisition of the property the building department; seconded by Commissioner Sullivan.

Commissioner Cooper opposed relocating departments from City Hall, loss of property tax revenue that will result with this purchase, and using reserve funds.

Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted yes. Commissioner Cooper voted no. Motion carried with a 4 - 1 vote.

d. State Legislative Priorities

Michelle del Valle, Assistant City Manager, spoke about the state priorities developed by staff and vetted by the city's lobbyist. She noted the projects where appropriation has been filed and responded to questions.

Suggestions were made on additions to the list and discussion held on the legislative process. There were no public comments.

Motion made by Mayor Anderson to adopt the list with the addition of Lake Rose improvements, adding "without loss of land use control" to Dedicated Funding Source for Commuter Rail, and to collaborate with the Chamber on arts and

historic funding; seconded by Commissioner Cooper. Motion carried unanimously with a 5-0 vote.

e. Creation of a guidebook or standards that exemplify and create development standards for upholding the character, charm, scale of the Winter Park Vision Statement adopted by the community.

This item was continued to the work session on December 9, 2021.

Summary of Meeting Actions

- Confirmed appointment of Gloria Eby as Director of Department of Natural Resources with a six-month evaluation for moving Urban Forestry to this department.
- Approved staff exploring wastewater testing for COVID and development of a threshold for action. Mr. Knight will send copy of Altamonte Springs testing report.
- Approved the Consent Agenda with modifications.
- Approved ARPA funding request of the Meadows playground for $101,750.
- Approved the acquisition of the property on Howell Branch Road with 70% of the purchase funded from building permit fees and the remaining from reserves.
- Scheduled the second State of the City Address with public input for February 27 at 2 or 3 p.m.
- Approved the settlement agreement on the Selkirk property with disposition options to be presented at the January 12th meeting.
- Approved Legislative Priorities with the addition of Lake Rose, arts collaboration and retaining land use control for commuter rail.

10) Adjournment

The meeting adjourned at 12:20 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis