City Commission
Regular Meeting Minutes

September 13, 2023 at 3:30 p.m.

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

Present

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

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:00 p.m.

2) Invocation

The invocation was given by Pastor Troy East, New Hope Missionary Baptist Church, followed by the Pledge of Allegiance.

3) Approval of Agenda

Commissioner Sullivan requested adding consideration of the purchase of the Bank of the Ozarks property as part of Item 11b, Budget Public Hearing. Agreed by consensus.

4) Mayor Report

Mayor Anderson advised of the recent passing of former Mayor Joe Terranova who will be remembered during the city's Veteran's Day event.

a. Appointment to Winter Park Housing Authority Board

Motion made by Commissioner DeCiccio to appoint Robert Klettner; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

5) City Manager Report

a. Commission meeting schedule

Mr. Knight reviewed the commission meeting schedule through the end of the year. Commissioner Weaver asked to cancel September 28th work session as he will be unable to attend. Agreed by consensus.

b. City Managers Report

Director of Information Technology Parsram Rajaram provided clarification on items raised the Broadband Smart City Advisory Committee work session with the commission relating to co-building with electric undergrounding, cost of hiring staff to manage the

program, and status of connectivity of city facilities (expected by November 30th). Mayor Anderson requested a report on recommended priorities outlined in the work session given existing capacity.

6) City Attorney Report

7) Non-Action Items

a. Appointment of Margaret Bohl to Public Art Advisory Board - Commissioner Cruzada

Commissioner Cruzada reported Mrs. Bohl's appointment.

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

9) Consent Agenda

a. Approve the minutes of the regular meeting, August 23, 2023.
b. Approve the minutes of the work session, August 24, 2023.
c. Approval of the following piggyback contracts:
    1. Electric Supply of Tampa - OUC-KUA Contract #RFP-21-4979-OQ - Wire and Cable; For goods on an as-needed basis during the term of the Agreement through June 14, 2024; Amount: $500,000
    2. Ten-8 Fire and Safety, LLC - Lake County Contract #22-730K - Fire Equipment Parts, Supplies, and Services; For goods and services on an as-needed basis during the term of the Agreement through July 31, 2025; Amount: $80,000
d. Approval of the following contracts:
    1. DeYoung Law Firm, P.A. - FY13-2 - Legal Services for Winter Park Police Department - Amendment 4; For services during the basis of the term through September 30, 2024; Amount: $80,000
    2. Flock Safety - FY23-65 - Flock Safety Platform; For services during the basis of the term through October 1, 2028; Amount: $37,500
    3. Pond & Company, Inc. - RFQ7-23 - Geotechnical & Environmental Consulting Services; Task Order for Howell Creek Restoration; Amount: $106,840
    4. Baxter & Woodman, Inc. - RFQ6-23 - Professional Stormwater Management Engineering Services; Task Order for Basin Study - Eastern Region; Amount: $194,124.16
    5. Jacobs Engineering Group, Inc. - RFQ17-10 - Continuing Engineering Services for W-WW Systems; For the St. Johns River Management District Consumptive Use Permit Renewal; Amount: $190,000

6. Jacobs Engineering Group, Inc. - RFQ17-10 - Continuing Engineering Services for W-WW Systems; Task Order for Ravaudage Pump Station Services During Construction; Amount: $381,466

e. Approval of the following formal solicitation:
   1. High Performance Sports Management - RFP22-23 - Tennis Programming and Instructional Services; Amount: $400,000

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

10) Action Items Requiring Discussion

11) Millage Rate and Budget Public Hearing | 5:00 p.m. or soon thereafter **(heard after Item 13a)**

12) Public Hearings: Quasi-Judicial Matters

13) Public Hearings: Non-Quasi-Judicial Matters

a. RESOLUTION 2279-23 - A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING THE NON-AD VALOREM ASSESSMENT ROLL; PROVIDING INSTRUCTIONS TO CERTIFY THE NON-AD VALOREM ASSESSMENT ROLL; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Attorney Chumley read the resolution by title.

Mayor Anderson explained the reason for this new method of collecting stormwater fees and said this resolution puts in place set fees for property owners. Mr. Knight explained the calculation of fees which are now part of a property owner's tax bill as opposed to utility bills where fees may not be collected, i.e. inactive accounts.

Motion made by Mayor Anderson to adopt the resolution; seconded by Commissioner DeCiccio.

Tim Kuby, 705 Cherry Street, said he is not on city sewer and the stormwater fee is not and has not been on his utility bill. This is a new tax for him and places stress on his commercial tenants. He believes it is unfair to be charged a "rainwater tax" and there should be an exception for those who are not connected to city sewer.

Nikki Seybold, 800 N. Interlachen Drive, said her fee will be increasing by $295%. She explained she has gravel driveway which she feels should not be considered impervious area and questioned the calculation of pervious/impervious property. She added that stormwater stays on her property.

David Williams, 209 Tyree Lane, spoke about stormwater and flooding issues on his property and feels residents are paying fees for no service. He asked if Orange County could take responsibility for stormwater.

Bob McClelland, 444 Jo Al Ca Avenue, supported this fee to fund improvements but feels the city needs to provide more information on the calculation to property owners.

Karen Jacobs, 2411 Gallery View Drive, Gallery Condo Association, explained there are four separate parcels with varying number of units and impervious coverage and some units will be assessed more than others. She feels a total exemption is warranted since the Gallery Condos is self-contained with onsite retention and will receive no direct benefits from this fee. She asked that the city provide documentation showing the benefit of this fee to Gallery condo owners.

Mayor Anderson explained stormwater run-off is a city-wide issue and while some properties may have onsite stormwater retention, it does not resolve the city-wide issue.

Public comments and commission questions were addressed as follows:

- Mr. Hamil said per city code, gravel is included in the definition of impervious surface.
- Mayor Anderson said the city cannot transfer stormwater responsibility to Orange County. Mr. Knight confirmed the city is responsible for stormwater within the city.
- Commissioner Weaver said the stormwater system is different than the sewer system and explained the function of both.
- Mr. Hamil said all parcels should have been billed the stormwater fee, regardless if they are on septic or sewer. He confirmed the absence of a stormwater fee on Mr. Kuby's bill is an oversight. It was clarified that the stormwater fee will not be charged if there is no impervious surface on a vacant lot. Mr. Hamil said staff can look at impervious surface and calculation for Ms. Seybold and The Gallery. He advised that there may be revised assessments and he will speak to Ms. Seybold and Ms. Jacobs.
- Assistant Director of Public Works Don Marcotte explained stormwater system components and funding for capital improvement projects, maintenance and staff.
- Mr. Hamil said the fee will provide approximately $4.7m in FY 24 which is approximately $350k more than the FY23 budget. If the commission wants to limit the amount of revenue to the FY 24 budget, it could reduce the rate per square foot.
- Mr. Hamil said since the commission adopted an ordinance to change the new method of collecting fees, a new ordinance would be needed to revert back. Mayor Anderson stated property owners would still see an increase in the fee.
- Mr. Hamil explained that a property owner may dispute the fee by first appealing to the City Manager and then the Commission. A link will be available on the website for residents to view their calculation and request reconsideration or appeal and any adjustments would be submitted to the county property appraiser.

Fred Hasler, 608 Brechin Drive, expressed his concern that electric undergrounding will not be finished and reported on the length of time pipes and equipment have been stored on his property. He feels there should be better communication to homeowners and the city should be more cautious about content of its communications. He opposed this plan and suggested the fee be based on the property's assessed valuation.

Mayor Anderson suggested an electric undergrounding project update be included in the next newsletter to residents.

Clarissa Farina Serpilli, 1228 Via Del Mar, said she is angered by the "threat" of tax lien if unpaid. She opposed the new method of collection and asked if this has been approved.

Mr. Knight said the methodology was adopted previously in a publicly noticed meeting and the assessment roll is being adopted on this agenda. He said the fee is not tied to the assessed valuation of the property and will not increase if assessment increases.

Mr. Kuby said he feels the numbers need to be re-evaluated, particularly for those who have not been billed in the past on their utility bills.

Mr. Hamil restated that a link will be on the website for appeal information and residents contacting customer service will be directed to the link. Staff will look at condominium projects as a whole and look at adjustments for access easements.

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

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

Katrina Knight, sister of Daniel Knight, asked commission and residents to request the new state attorney to rereconsider the previous attorney's decision not to prosecute the officer in her brother's shooting. She asked if the internal investigation is complete and asked for the arrest of officer responsible to prevent a similar situation. Mayor Anderson read a prepared statement from the city's attorney regarding potential lawsuits and advising that any comments be directed to the city's legal counsel.

Mr. Kuby suggested meetings start later to allow for public comment and that the public should have 30-days' notice of pending action affecting them.

A recess was held from 5:09 to 5:23 p.m.

11) Millage Rate and Budget Public Hearing | 5:00 p.m. or soon thereafter

a. Ordinance - adopting millage rates for the FY 2024 budget. (1st reading)
b. Ordinance - adopting the FY 2024 budget. (1st reading)

In response to commission comments, Mr. Knight said voter approval is needed to increase debt service and only commission approval is required to issue debt to pay for parks; but the commission must designate a funding source within the budget.

Mayor Anderson said the millage rate needed for FY 2024 to generate the same property tax revenue in 2023 is 3.7633 mills. The proposed budget requires a millage rate of 4.0923 mills which will remain the same tax rate for a 16th year. The increase in property tax levy is due to increases in assessed value of properties. In addition, a 0.2379 voted debt service is levied to cover bonds issued in 2017 and 2020 approved by the voters in March 2016. This will be a simultaneous public hearing on two ordinances.

Attorney Chumley read the ordinances by title.

Motion made by Commissioner Weaver to approve the millage ordinance; 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.**

Division Director of Office of Management and Budget Peter Moore reviewed budget changes and additions approved by commission in prior discussions. He reported an increase in the state revenue forecast of approximately $55k which increases the contingency fund to approximately $700k. He spoke about funding for 426 improvements identified in the Transportation Master Plan and said staff is recommending allocating $1.8m in the FY 26 Capital Improvement Plan (CIP) to fund 426 improvements.

Motion made by Mayor Anderson to amend the CIP to allocate $1.8m (426 project) in FY 26, seconded by Commissioner Weaver.

Commissioner Sullivan addressed the purchase of the Bank of the Ozarks (Ozarks) property and its acceptance of another offer, but has not been approved by its executive committee. He believes Ozarks may have accepted the other offer because the city has not committed funds to purchase and asked the city to commit to purchase the property and present an offer to Ozarks. He spoke about the property's lack of suitability for commercial development due to zoning, stormwater treatment requirements, and need of portion of property for transportation improvements. He believes it is in the city's best interest to purchase for connection to neighboring parks. **He suggested budgeting the purchase and present an offer of $6m plus closing costs with a due diligence period through October 31 at which time the city would provide a $100k non-refundable deposit, forgive transportation impact fees for their Ravaudage location, and close by December 18. (Accepted as a motion)**

Commissioner Weaver agreed with Commissioner Sullivan's comments about its use and benefits, particularly to provide stormwater retention that is lacking in the Orange Avenue corridor. After allocating $1m from the Parks Acquisition Fund and $500k commitment from the Land Trust, the bond amount would be $4.5. He questioned how the debt service will be funded.

Commissioner Weaver seconded the motion made by Commissioner Sullivan, pending discussion on funding.

Commissioner DeCiccio feels the city will regret not purchasing the property. She feels the city has entered into good faith negotiations at a purchase of $6m, but Ozarks has not dealt with the city in good faith, and the issue is how the city would fund the $4.5 shortfall. Discussion followed on previous offers, terms and negotiations.

Commissioner Cruzada said that Ozarks acceptance of another offer is a clear rejection of the city's and he would like to step back. He said he anticipates a negative ability to fund the contingency in three years. He opposed purchase until funding is in place that doesn't disrupt the budget and other capital improvement projects.

Commissioner Weaver said he believes there are ample funds in the contingency to pay the principal and interest on a bond.

Mayor Anderson said he does not see a path to make an offer without identifying the funding source, which he sees is either a rapid bond issue or a bridge loan from contingency until a bond issue. He opposed pulling from contingency fund without a clear path to recouping funds and would prefer issuing bonds for stormwater improvements and public safety. He believes there is overwhelming opposition to the purchase and spending city funds.

Mr. Moore responded to questions regarding the contingency fund stating $3.2m is needed to get to the 30% level and is dependent on each year's budget. He anticipates gradual slowing of revenues and expects a tight budget with inflation and slower growth. Mr. Knight explained the factors affecting the contingency fund.

Mayor Anderson suggested floating bonds for $4 to $4.5m if there is support to move forward.

Motion made by Commissioner Sullivan to amend the motion to purchase with $4.5m bond.

Mr. Moore provided additional information on terms and impact of bonds. If the commission decides to issue bonds, he recommended allocating $420k from the contingency fund in FY 24 for bond repayment. He reminded the commission of the ongoing burden of including repayment in future budget years.

Commissioner Weaver seconded Commissioner Sullivan's amendment with the assumption that debt service would be allocated in the contingency fund for FY24.

Mayor Anderson suggested separating the vote, first on the budget that generates $700k in contingency and second, to pledge a part of that contingency fund toward a potential bond issue.

Mr. Chumley recommended voting on the budget amendment and then voting on a motion to approve the budget as is. If there is interest in endorsing the use of contingency funds, that could be brought back at second reading.

Commissioner Sullivan said he is not comfortable withdrawing his motion incorporating the purchase and bond financing in the budget because he feels the city will lose any opportunity to purchase the property if a commitment is not made in this meeting. Commissioner Weaver said he is not comfortable voting separately.

After discussion, Mr. Knight clarified Commissioner's Sullivan's amendment is to submit an offer of $6m and city payment of closing cost of approximately ($60k). The funding source would be a $4.56 bond issue, $500k from outside sources (Land Trust), and $1m from the Parks Acquisition Fund. The city would either add the cost of the transportation mobility fee to the purchase price from which Ozarks would pay the mobility fee or the city would internally transfer the fees from the general fund to the mobility fund. Discussion followed on budgeting for the purchase and deadline for a response.

Mr. Knight explained the process for making changes to the budget for second reading and the newspaper ad would have to be published accordingly.

Mayor Anderson summarized the amendment for a purchase price of $6.326m, good for 30 days, and the funding would be outlined noted by Mr. Knight. **Commissioner Sullivan accepted the clarification of the amendment. (**Motion was withdrawn and restated at the end of discussion.)

Commissioner Weaver noted that the Code Compliance Board is considering levying fines against homeowners who damage lakes which involve significant staff time and resources. **Motion made by Commissioner Weaver to amend the budget to add an Assistant Lakes Manager position funded from contingency. Motion failed for lack of second.**

Brad Blum, 1169 Lakeview Drive, supported the purchase with a bond issue.

Gigi Papa, 1440 Hibiscus Lane, opposed the purchase stating the city should be saving money or using funds for other projects and programs.

Denise Gillespie, 1608 Hibiscus Avenue, asked how a new bond would impact the city's exposure and credit rating. She asked for current staffing levels and how it relates to the city's population. She opposed the purchase due to its impact on taxpayers.

Linda Walker, 794 W. Comstock Avenue, asked for increased CRA funding for community center programs ($40k): CRA Summer Youth Enrichment Program ($10k); and her non-profit organization, Youth Can, ($30k). (scheduled for the November Community Redevelopment Agency meeting.)

Nancy Shutts, 2010 Brandywine Drive, questioned the legality of reconsidering an offer to purchase the Ozarks property since it wasn't in the budget. She opposed the purchase and bond issue and feels there are other priorities and better uses of tax dollars such as stormwater, fire station, and street improvements.

Commissioner DeCiccio said she cannot support the purchase of the property if it is presented as part of the budget.

Commissioner Sullivan withdrew his motion given the opposition to include this as part of an amendment to the budget.

Upon a roll call vote on the amendment to include $1.8m in the CIP for FY2026, 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 budget ordinance, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Sullivan to make an offer to purchase the Ozarks property (terms outlined by Mr. Knight) and to fund if offer is accepted within 21 days; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio and Weaver voted yes. Commissioner Cruzada and Mayor Anderson voted no. Motion carried with a 3-2 vote.

A recess was held from 7:14 to 7:25 p.m.

b. Fee schedule effective October 1, 2023

Motion made by Commissioner DeCiccio to approve the fee schedule effective October 1, 2023; 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. Ordinance - amending Chapter 58, "Land Development Code," Article V to address the discharge and disposition of cooling water from buildings adjacent to Center Street (1st reading)

Attorney Chumley read the ordinance by title. Assistant Director of Public Works Don Marcotte explained the purpose and provisions of the ordinance.

Motion made by Commissioner DeCiccio to approve 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.**

d. Ordinance - extending franchise agreement for Waste Pro of Florida, Inc. (1st reading)

Attorney Chumley read the ordinance by title. Ms. del Valle reviewed the amendments to the agreement.

Motion made by Mayor Anderson to approve 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.**

e. ORDINANCE 3280-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS", TO REVISE SUBSECTION (F) REGARDING THE PARKING OF BOATS, TRAILERS AND RECREATION VEHICLES TO INCLUDE VEHICLES OVER 25 FEET, PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. (2nd reading)

Attorney Chumley read the ordinance by title.

Motion made by Commissioner Weaver to adopt 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.**

f. ORDINANCE 3281-23 - AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 2, ARTICLE V, DEPARTMENTS, CREATING NEW DEPARTMENTS; RENAMING DEPARTMENTS; PROVIDING FOR THE SERVICES AND FUNCTIONS OF DEPARTMENTS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (2nd reading)

Attorney Chumley read the ordinance by title.

Motion made by Commissioner Weaver 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.**

14) City Commission Reports

Commissioner Sullivan -

- Encouraged attendance at the Chamber dinner meeting on September 20 at 5:30 p.m. with a presentation by Henry Graybar on his book "Paved Paradise-How Parking Explains the World."

Commissioner DeCiccio -

- Addressed lack of attendance by board members and canceling of meetings due to lack of quorum. She asked to provide guidance to staff on how to manage attendance rules. Consensus was for staff to advise the appointing member of the commission who can intervene and advise staff of the outcome or if no response is received from the appointing member within five days, staff will send a termination letter to the board member.

Commissioner Weaver -

- Remembered former Mayor Joe Terranova who passed away recently. He recalled a photo of Mayor Terranova, Don Marcotte and other residents on Denning Drive and suggested naming the trail Terranova Trail System.
- Reported on the old cargo doors at the Farmers Market that are rotting at the bottom and on poor lighting. He asked for the doors to be repaired and lighting improved.
- Spoke about allowing auxiliary dwelling units (ADUs) and the component of the CRA regarding allowing such housing. (to be discussed in upcoming work session on the Comp Plan amendments)
- Outlined his concerns about the proposed restroom in Central Park, i.e., cost, underground utilities construction, and lack of RR pedestrian crossover. He feels it does not serve the greater side of the park and will not accommodate large events. He suggested and showed images of portable restrooms that are self-contained, air conditioned, and have an ADA ramp, which could be used in the park and also to support residents that lose use of septic tanks due to storms.

Mr. Moore advised that the revised restroom design was approved by the Parks and Recreation Advisory Board and Community Redevelopment Advisory and presented to the Community Redevelopment Agency in its November meeting.

Mayor Anderson -

- Addressed ADUs and suggested an architectural review board may be appropriate to ensure compatibility.
- Spoke about Fix 426 and public meetings and suggested a subcommittee meeting with staff. Staff to schedule subcommittee meeting. (Scheduled for September 28th at 1: 00 p.m.).

15) Summary of Meeting Actions

- Honored Mayor Terranova
- Appointed Robert Klettner to the Winter Park Housing Authority Board.
- Approved meeting schedule through December.
- Received update on Smart City efforts with final meeting in October.
- Received report of Margaret Bohl's appointment to the Public Art Advisory Board.

- Approved the Consent Agenda.
- Adopted millage rate ordinance and budget with amendment adding funds for Fix 426 Project to the CIP for FY 2026.
- Adopted Resolution and assessment roll for collection of stormwater fees.
- Directed staff to present offer on Ozarks property, valid for 21 days.
- Approved the Fee Schedule
- Approved ordinance for disposition of cooling water on Center Street.
- Approved ordinance amending and renewing franchise agreement with Waste Pro.
- Adopted ordinance regulating parking of longer vehicles in residential areas.
- Adopted ordinance amending departments and functions.
- Approved policy to notify appointing commissioner of lack of attendance of board members.
- Place Central Park restrooms and discussion of Linda Walker's request on November agenda of Community Redevelopment Agency.
- Staff to repair cargo doors and look at additional lighting at the Farmers Market.
- Discuss ADUs and potential architectural review board at tomorrow's work session.
- Schedule Fix 426 subcommittee meeting. (Scheduled for September 28 at 1 p.m.)

16) Adjournment

The meeting adjourned at 7:58 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis