City Commission Regular Meeting Minutes

August 11, 2021 at 3:30 p.m.

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

Present

Mayor Phil Anderson
Commissioner Marty Sullivan
Commissioner Sheila DeCiccio
Commissioner Carolyn Cooper
Commissioner Todd Weaver

City Manager Randy Knight
City Attorney Dan Langley
City Clerk Rene Cranis

1) Meeting Called to Order

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

2) Invocation

Reverend Shawn Garvey, First Congregational Church of Winter Park, provided the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

4) Citizen Budget Comments

Tammy Kaleel, 1027 Main Street, Windermere, spoke on excess greenhouse gas emissions and urged the commission to make reduction of emissions a top priority in the upcoming budget and for the future.

Jeanne Wall, 2110 Lake Drive, encouraged the commission to budget funds to bring back biology and lakes experts to lead and manage the lakes division to protect and preserve Winter Park lakes.

5) Mayor's Report

Mayor Anderson spoke on work sessions and discussions on strategic planning and projects and commended the commissioners for their courage in their representation of Winter Park citizens and thanked staff for their assistance.

6) City Manager's Report

a. <u>Meet Your Department: Finance Department</u>

Finance Director Wes Hamil showed a video and gave a presentation on the finance and utility bill divisions and provided details on the city's utility customer base.

b. Fire Department Budget Presentation

Fire Chief Dan Hagedorn presented the Department's FY 2022 budget and highlighted response times for emergency and fire calls. He responded to questions regarding Lakemont station upgrades and the need for a fourth station and a training facility. If funding were available, he would like to renovate the Canton Avenue station since it is used 24/7 and is now almost 20 years old.

c. City Manager's Report

- Tropical Storm Fred - The City is prepared for potential impacts.
- ARPA funding - The City has received the agreement with an additional $2.5M above what was anticipated.
- ARPA non-profit grant program - The city received 18 applications totaling $427,500. Staff will screen applicants to ensure compliance with the guidelines and will present to the commission for approval.
- Commissioners budget worksheets are due on Friday.

d. CIP Report

- Stormwater Improvements – Staff will clarify that the 9th Grade Center pond is not in the CRA.
- New York Avenue Streetscape – Additional funds approved by the CRA Advisory Board is on the strategic planning worksheet in the CRA-funded section.
- Post Office Acquisition – Revise to clarify that the Mayor and the City Manager are working jointly on the acquisition.
- Ad Hoc Committee for Broadband – Commissioner Cooper said her appointment is Wes Naylor. This will be on an upcoming agenda for full board appointments.
- Orange County Legislative Delegation meeting on 8/30 at 9:30 - Commissioner Cooper asked whether a representative is going to speak and on what city priorities. Mayor Anderson suggested placing this on the next agenda.
- Request from Planning and Zoning Board for a joint work session. Consensus was to schedule a work session for the evening of August 17th depending on availability of P&Z Board members.
- Staff shortages discussion – Mr. Knight stated requests for budget items need to be placed on commissioner's budget worksheet.

7) City Attorney's Report

Attorney Langley advised that Demetree Global has changed attorneys in the litigation relating to the OAO.

Commissioner Cooper asked for the process to reconsider a motion that she made and passed unanimously in the August 11th meeting relating to the Notice to Dispose of city property. Mr. Langley advised that she could, under her commissioner report, make a motion to reconsider the item.

8) Non-Action Items

a. Financial Report for the Nine Months Ended June 30, 2021

Wes Hamil, Director of Finance, presented this report and responded to questions.

Mayor Anderson declared a recess at 5:06 and reconvened the meeting at 5:19 p.m.

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

10) Consent Agenda

a. Approve the minutes of regular meeting, July 14, 2021 (Removed by Mayor Anderson)
b. Approve the minutes of the work session, July 27, 2021
c. Approve the minutes of the regular meeting, July 28, 2021 (Removed by Mayor Anderson)
d. Approve the following piggyback contracts
   1. DataProse, LLC - City of Boca Raton Contract #2016-023 - Utility Bill Printing and Distribution Services; Amount: $275,000.00 for services on an as-needed basis during the term of the Agreement.
   2. Electric Supply of Tampa, Inc. - Orlando Utilities Commission (OUC)/Kissimmee Utility Authority (KUA) Contract #RFP-21-4979-OQ - Wire and Cable; Amount: $800,000.00 for goods on an as-needed basis during the term of the Agreement through 6/14/2024.
   3. Nidy Sports Construction - NCPA Contract #08-20 – Athletic Surfacing & Asphalt Maintenance; Amount: $150,000 for services on an as-needed basis during the term of the Agreement.
e. Approval of the following contracts
   1. Dix.Hite and Partners - RFQ14-17 - Professional Landscape Architectural Services; Amount: $150,000.00 for services on an as needed basis during the term of the Agreement.
   2. Kimley-Horn and Associates, Inc. - RFQ15-17 – Professional Roadway Design Services; Amount: $100,000.00 for services on an as needed basis during the term of the Agreement.

Mayor Anderson asked to remove Items a and c.

Motion made by Mayor Anderson to approve Consent Agenda Items b, d and e; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Item c: Mayor Anderson asked for clarification on the motion regarding the NOD on Page 7. It was clarified that the building height was not a part of the motion. Commissioner Weaver suggested a grammatical correction revising the 7th guideline of the motion on Page 7 to read "including 45% and no C-2," accepted by Commissioner Cooper as maker of the motion.

Motion made by Mayor Anderson to approve Item c (with the grammatical correction); seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to amend the minutes of July 14, Lake Killarney Advisory Board Discussion on Page 4, changing "reinstating" to "creating"; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

Motion made by Mayor Anderson to add a sentence "It was acknowledged that a separate Lake Killarney lakes board was specifically authorized in the annexation process." Seconded by Commissioner Weaver.

Motion made by Mayor Anderson to amend the minutes revising his comments at the bottom of Page 7 to read "...look at ways the Winter Park Lake Killarney board and the Orange County Board could co-exist..." seconded by Commissioner Weaver.

Motion made by Mayor Anderson to amend Commissioner DeCiccio's comments on Page 9 to reflect that the commission supports adding Winter Park Institute to the list for organizational support with the understanding there would be no increase in the overall organizational support budget; seconded by Commissioner DeCiccio.

Motion to approve the amendments to Consent Agenda Item a carried unanimously with a 5-0 vote.

11) Action Items Requiring Discussion

a. Rollins College request for improvements to softball stadium

Mr. Knight advised that Rollins has revised their plan to replace the lost parking spaces due to the new building with on-street parking on Harper. Rollins College Director of Facilities Services Jeremy Williamson and Softball Coach Michelle Frew presented the revised plans showing the location of the on-street parking and responded to questions.

Cathleen Daus, Assistant Director of Parks and Recreation noted that there will be no impact to existing trees but will have the Forestry Division analyze the area.

Motion made by Commissioner Cooper to approve proposed plan with the parking spaces with the understanding that a lease agreement acceptable to both parties be presented to the City Commission prior to Certificate of Occupancy, seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.**

b. COVID safety measures for employees

M. Knight advised that the employee incentive program has been implemented with over 170 employees fully vaccinated thus far including seven who were vaccinated since the incentive started. Staff has been reviewing mandatory testing including whether employees must be paid for their time getting tested and in-house testing where the city would bear the costs of the tests and the time for the person conducting the test. Staff believes there is a benefit in protecting employees by requiring non-vaccinated employees to wear a N-95 level mask (purchased by the city) while at work.

Mayor Anderson suggested beginning mandatory testing after the deadline of incentive program (September 15).

Commissioner DeCiccio suggested that members of the commission share the city's releases via to their e-mail subscribers.

Commissioner Weaver expressed his concern about the N-95 mask and delaying employee use. He said he feels enforcement would be burdensome. Mr. Knight said that the enforcing masks would be less burdensome than testing but masks could be mandatory.

Commissioner Sullivan said he feels mandatory vaccinations, which is more effective but almost punitive, is an ideal alternative. He asked about weekly testing. Mr. Knight said if the city requires testing, the issue becomes whether the employee's time for the test is compensable under the Fair Labor Standards Act. The city would bear the cost of the rapid response testing conducted by qualified city staff.

After discussion, Commissioner Sullivan said he would defer to city manager to determine who provides the testing and reserving the option for mandatory vaccinations depending on COVID cases.

Commissioner Cooper said she has no hesitation in mandatory vaccinations. As a service organization, staff interacts with the public and this is a public safety issue. She is not willing to wait too much longer to move toward mandatory vaccinations.

Mayor Anderson supported mandatory masks now and beginning testing which is not a substitute for vaccinations. He supported mandatory testing starting September 20th (after completion of the incentive program) and making N-95 masks available now.

Commissioner Weaver supported mandatory vaccinations as a matter of public health and safety and continuation of city services.

Mayor Anderson spoke on the potential risk of exodus of skilled labor which affects service delivery and said he is more comfortable moving to mandatory vaccinations incrementally. Commissioner DeCiccio agreed.

Commissioner Sullivan suggested setting a trigger to move to mandatory vaccinations such as setting a number of COVID cases.

Discussion followed current cases, hospitalizations, percentage of vaccinated employees testing positive, exemptions from receiving the vaccination and availability of information due to confidentiality.

Mayor Anderson said he feels an emergency meeting could be triggered at some level of percentage of vaccinated employees. Commissioner Sullivan suggested 65% with exemptions.

Commissioner Cooper said another layer could be taking temperatures at the door. She suggested meeting with other agencies

Motion made by Mayor Anderson to approve staff's recommendation with the addition of providing N-95 masks and to set a 65% target for employee voluntary vaccinations by September 15 and if threshold is not met, a two-day notice special meeting will be held to consider policy (which may include mandatory vaccinations); seconded by Commissioner Weaver.

Charlie Williams, 2021 Temple, said he thinks the key is solving for the health and well-being of employees not the problems with those who do not want to get vaccinated. He suggested that a hard vaccination policy would draw applicants to the city due the protection of employees.

Sally Flynn, 1400 Highland Road, said she believes the only way to slow this down is vaccination and supported mandatory vaccinations.

There were no additional public comments.

Commissioner Cooper asked the city attorney to research and provide the legal exposure of mandating employee vaccinations.

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

c. Continuation of Discussion of Progress Point & Potential RFP

Mayor Anderson provided the history of the work on the OAO, studies, funding and designs.

Bronce Stephenson, Director of Planning and Transportation, gave a presentation on the OAO history, prior development proposals of Progress Point and its role in the success of the OAO. The request before the Commission is to define uses for the site and the boundaries of the RFP area, suggest a maximum square footage and number of parking spaces, and create potential scenarios for analysis and comparison. He presented several concepts with different FAR, height, uses and parking requirements and outlined staff recommendations for the RFP.

Mayor Anderson declared a recess at 7:18 and reconvened the meeting at 7:29 p.m.

Mayor Anderson provided the framework for discussion including what is wanted on the site and what is the city's role in public parking. He asked for the weekend parking needs. Mr. Stephenson stated that requirements drop by 30% due to closure of offices and discussion followed on parking needs and need to include park user needs.

Mayor Anderson said the RFP could include options for a full park/green space or limited buildings with more park land. He stated the maximum building size could be 14,000 s.f. with up to two floors and combined parking of 175 spaces.

Commissioner Weaver outlined his concerns regarding access the paved parking area. He showed his modifications eliminating the driveway at Cypress, adding additional park land and swales which may require a bridge across swales from bike path. Discussion followed on ingress/egress and elimination of curb cuts on Orange Avenue,

Commissioner Cooper said she believes that any development needs to be limited based upon realistic market parking needs. She feels that a parking structure will be needed in the future. She reviewed her proposed phased approach which will create organic growth and would best benefit the area. She identified items she feels need to be addressed: maximum square footage, stormwater location, property uses, Trovillion Corner, bike path location, expanded surface lot spaces, ingress/egress, curb cuts on Orange Avenue and Lynx bus stops.

Mayor Anderson reviewed the decisions made: realignment of Palmetto, bike Path on the north (park) side of the road, move ahead with construction of the road, park area and general site prep work, remove interactive fountain, brick Palmetto, create bus stop in current parking area, and repave and modify existing parking area to the south of site.

Sarah Walter, Transportation Manager, addressed access to the parking area and said it is important to have secondary access from Palmetto and that internal circulation be maintained.

Troy Attaway, Director of Public Works, spoke on swales and requirements for water treatment and stormwater retention and stressed staff's preference for an above-ground swale which is less expensive and easier to maintain.

Commissioner Sullivan said another option is having no buildings on the site. He suggested looking at a parking garage and buildings in the future, not at this point. He suggested delaying the RFP for two or three years to study activation of the park and then phase in development.

Commissioner DeCiccio said she feels organic development will occur at Progress Point and said she feels something is needed to activate the park and rejuvenate the area.

Mayor Anderson said he feels the city should not delay or take a phased approach as he feels it will not deliver a world-class park extension.

Charlie Williams, 2021 Temple Drive, said he feels the city should pay attention to natural environment and feels proposed uses should be green and sustainable. He suggested a phased approach by activating Orange Avenue and allow the park to respond to that and let business investment come forward before issuing a RFP.

Beth Hall, 516 Sylvan Drive, spoke in support of a phased approach and a passive park which activates the corridor.

Sally Flynn, 1400 Highland Road, pleaded for park space and urged the commission not to issue a RFP.

Michael Perleman, 1010 Greentree Drive, urged the commission to consider the point of Progress Point, whether it is going to be greenspace or commercial development that uses the park, and to think about larger greenspace that will be an entrance point to the city.

Forest Michael, 358 W. Comstock Avenue, suggested that the city consider retaining a landscape architect and engineering team to work out details of the park before releasing a RFP. He spoke on his plan for Progress Point, available grant programs and the importance of economic, social and environmental sustainability.

Julie von Weller, Williams Drive, urged the Commission to make Progress Point an active park designed to be inviting, engaging and safe. She suggested the need for compromise by blending a new public park and commercial use in a new way.

Danielle Payne, 1180 Woodmere Drive, supported the development of Progress Point but wants it to be safe and expressed concern about the vagrant population and safety.

Bonnie Ferguson, 700 Melrose Avenue, spoke in support of adding more park land but in phases.

Mayor Anderson said he believes there is not support to move forward with the RFP but suggested establishing the maximum FAR for this parcel of .09, which is 14,000 s.f. and having an interim plan for the parking lot.

Commissioner Weaver suggested relocating the bike path away from Palmetto and going over swales via a 12-foot wide boardwalk with a pollinator garden both sides. He suggested moving forward with what has been agreed to thus far – repave the existing lot, relocate Palmetto, and plant trees, install sidewalks and fountain and the critical path is to make sure the site is prepped for tree planting. He proposed leaving 10,500 s.f. along Orange Avenue grassed for now.

The commission discussed at length options for development of the park and consensus was reached on the following measures in the absence of a RFP: realign Palmetto, create a 1.5-acre park, repave the parking lot and create a bike path on the north side of the swale area (park side)

Commissioner Cooper said she feels the parking lot needs to appear to be part of the park and complies with existing parking lot code is surrounded by trees and includes a promenade.

Mayor Anderson said he feels that staff should to develop alternative plan that is a holding pattern for the next two to four years for review and approval by the commission.

Commissioner Cooper said the plan needs to include the top six things residents requested in the survey: well-lit, free parking, well-maintained, restrooms, trees, paths and safe.

Mayor Anderson questioned the number of parking spaces required. After discussion, consensus was to set minimum of 120 spaces to meet the current demand.

Commissioner Cooper spoke on the city's commitment to Trovillion Trust to keep parking. Mr. Stephenson said staff will review with the city attorney.

Mayor Anderson noted there are minor nuances that need to be approved along with a budget. Mr. Stephenson stated staff will work with teams to bring back estimates and will add to the LandDesign scope of work. Consensus was to move forward with a full park plan that has a potential for a RFP at a later time.

12) Public Hearings

a. Ordinance proposing Charter Amendments for March 2022 ballot

Consensus was to table this to August 25, 2021.

13) City Commission Reports

<u>Commissioner DeCiccio</u>

- Commented on the poor condition of the playground equipment in the park by the tree farm and asked to include the cost to repair/renovate this playground on the list for ARPA funding. Consensus was for staff to bring back specific plans and budget. Commissioner Cooper asked that staff research to find out the reasons for the deterioration of the playground.
  Asked to allocate $25,000 of ARPA funds to support a request from Sarah Grafton to help fund a holiday Park Avenue production. Assistant City Manager Michelle del Valle advised that the city has retained a designer to create a decorating plan who will be presenting plans to the commission. Mr. Knight said he would prefer that requests be submitted as part of the budget process but could be submitted via commission budget worksheets. (It was clarified in the August 25th meeting that items could also be brought up under Commission Reports.)
- Said she has received comments from the public expressing frustration with having to remain on the telephone or online until an agenda item is addressed. She asked staff to look at the feasibility of sending a text message to the public when an item is addressed.
- Commented on the Federal infrastructure bill and said once the studies are complete on projects on the strategic plan list, the city could submit applications for funding.

<u>Commissioner Cooper</u>

- Addressed the Notice of Disposition for the Swoope Avenue property which was approved in the August 11th meeting. **Motion made by Commissioner Cooper to reconsider approval of the NOD; seconded by Commissioner Weaver.** She said she learned of the availability of the AT&T parking lot on New York which may be an acceptable resolution for the relocation of the retail portion of the post office.
  Motion carried unanimously with a 5-0 vote.
- Suggested that commission appointments to the OAO Appearance Review Committee be made at the next meeting so the P&Z Board has an opportunity to look together at the design standards. Mr. Langley said he would like to review the OAO ordinance regarding the board before appointments are made.
- Asked staff to provide the schedule and tasks for mobility or transportation fee.

- Stated that the Orange County Legislative Delegation meeting is August 30th and asked who will be participation which requires registration. Mayor Anderson will speak with Mr. Knight. (To be placed on the next meeting agenda.)

Mayor Anderson

- Asked for board mission statements in order to understand boards' functions and to provide guidance from the Commission.

14) Summary of Meeting Actions

- Approved Consent Agenda (with amendment to minutes)
- Approved Rollins College clubhouse for women's softball
- Approved mandatory COVID testing for non-vaccinated employees, make N-95 masks available and call a special meeting if 65% of employees are not vaccinated by September 15th.
- Asked staff to bring back a revised plan for Progress Point incorporating the concepts generally agreed to by the Commission.
- Tabled the ordinance on charter amendment.
- Asked staff to propose improvements to the Housing Authority playground.
- Look at ways to send text alert to the public when an item will be heard during meetings.
- Put NOD for Swoope Avenue on the next agenda.
- Provide the mobility fee schedule.
- Provide city board mission statements.

15) Adjournment

The meeting adjourned at 10:28 p.m.

Mayor Phillip M. Anderson

ATTEST:

Rene Cranis

City Clerk Rene Cranis, CMC