City Commission
Regular Meeting Minutes

July 27, 2022 at 3:30 p.m.

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

Present

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

1) Called to Order

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

2) Invocation

The invocation was provided by Greg McClellan of Action Church followed by the Pledge of Allegiance.

3) Approval of Agenda

Motion made by Commissioner DeCiccio to approve the agenda; seconded by Commissioner. Motion carried with a 5-0 vote.

4) Citizen Budget Comments

5) Mayor Report

a. Recognition of Winter Park High School Athletes

Mayor Anderson presented a Certificate of Recognition the Boys Varsity Volley Ball Team members, Coach Jesse Day and Athletic Director Andy Chiles on becoming State Champions. Coach Day thanked the city for the recognition and support.

Mayor Anderson recognized the Girls' Crew Team members, Coach Mike Vertullo and Athletic Director Andy Chiles on becoming national champions and placing second in the Henley Royal Regatta in England. A proclamation declaring July 27, 2022 as Winter Park Crew Day was read and presented to team members and coach. Coach Vertullo and Director Chiles thanked the city for its recognition of its student athletes.

b. Green Business Award: Cypress Bank

Sustainability Specialist Mia Brady spoke about the reinstated Green Business Recognition Program to recognize local businesses' efforts to be more sustainable. She announced the award to Cypress Bank & Trust and thanked them for their efforts. Mayor Anderson presented the award to Cypress Bank representatives.

c. Establishment of Auditor Selection Board

Mr. Knight advised that the charter requires the commission to appoint an auditor selection board every three years to review proposals from auditors and to appoint one member of the commission and four residents to the selection board.

Motion made by Mayor Anderson to nominate Commissioner Cruzada to the selection board, seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

Motion made by Commissioner Weaver to approve the appointment of Mike Baldwin, David Moore, Cecilia Kelly and Paula Satcher to the board; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.

6) City Manager Report

a. Meet Your Department: Public Works

Acting Director of Public Works Don Marcotte gave a presentation on the Public Works Department. He introduced the Public Works teams responsible for maintenance of streets, lighting and signs; stormwater treatment and run-off; and facilities. He spoke about the department's ability and capability to complete surveying, engineering and design of projects in-house and showed a video of the department's work. Mayor Anderson thanked staff for their efforts, especially the high quality of the lakes.

b. City Manager's Report

Mr. Knight reminded the commission of the work session on Parks projects on July 28th and asked for approval to change the August 11th work session on the Old Library RFP to a special meeting in the event the Commission wants to take action. **Motion made by Mayor Anderson to change the August 11th work session to a special meeting; seconded by Commissioner DeCiccio. Motion carried unanimously with a 5-0 vote.**

7) City Attorney Report

8) Non-Action Items

a. Board Appointment: Transportation Advisory Board - Mayor Anderson

Mayor Anderson appointed Ruben Paige to the Transportation Advisory Board.

b. Budget Presentations:

Director of Electric Utility Dan D'Alessandro reviewed the department's mission, responsibilities, projects and performance measurements. He advised of recent power outage incidents and impacts and explained causes of transformer shortages faced by the entire country and strategies. He noted that upon completion of undergrounding, their focus will return to services. He reviewed a comparison of rates and performance standards with area electric utilities and summarized the department's accomplishments, spending, next year's goals and projects. He spoke on issues related to costs and impact to customers. Mr. D'Alessandro responded to questions.

Director of Water and Wastewater Utilities David Zusi gave a presentation on the department's responsibilities and programs and showed a service area map and reviewed key performance indicators, last year's accomplishments, summary of spending and next year's goals. He responded to questions regarding working capital and projects.

9) Public Comments | 5 p.m. or soon thereafter (taken after recess)

10) Consent Agenda

a. Approve the minutes of the regular meeting, July 13, 2022
b. Approve the minutes of the work session, July 14, 2022.
c. Approve the following piggyback contracts:
    1. Danus Utilities Inc. - City of Clermont Contract #RFB 17-040 - Lift Station Rehabilitation Services; Amount: $500,000 for services on an as-needed basis through the duration of the term of the contract.
    2. Fausnight Stripe & Line, Inc. - Seminole County Contract #IFB-603176-18/BJC - Roadway Markings, Striping & Brick Surfacing; Amount: $100,000 for services on an as-needed basis through the duration of the term of the contract.
    3. Public Consulting Group, Inc. - Palm Beach County Contract #19-20-SS - PEMT Assistance; Amount: $20,000 for services on an as-needed basis for the remainder of the contract term through August 19, 2024.
    4. CDW Government - NASPO Contract #AR3227 43220000-NASPO-19-ACS - Data Communication Products & Services; Amount: $250,000 for goods and services on an as-needed basis for the remainder of the contract term through September 30, 2024.
d. Approve the following contracts:
    1. DRMP, Inc. - RFQ20-18 - Professional Survey Consulting Services; Amount: $150,000 for services on an as-needed basis for the current term of the contract.
    2. Parsons Transportation Group, Inc. - FY22-31 - Water & Wastewater Engineering Services; Amount: $250,000 for services on an as-needed basis for the current term of the contract.
e. Approval of Interlocal Agreement with the Town of Eatonville allowing Winter Park to execute Safe Routes to School - Hungerford work plan in the Eatonville rights of way.

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

A recess was held from 4:47 to 5:01.

9) Public Comments | 5 p.m. or soon thereafter (None)

11) Action Items Requiring Discussion

a. Public Art Dedicated Funding Source

Assistant Director of Communications Craig O'Neil explained that the Public Art Advisory Board is looking for guidance on a dedicated funding source for public art projects. He cited Florida municipalities that have a dedicated funding source. He noted that the city has been relying on grants and fundraising efforts and reviewed the proposal to establish a fee on commercial renovation or new construction projects or to install art equal in dollar value on their project and uses of funding for maintenance, new art and collaborative projects. With commission approval, an ordinance will be presented for adoption in August.

Staff responded to questions on the commitment to Dr. Phillips Center for Performing Arts which expires in three years, fee calculation and revenue.

Mayor Anderson questioned whether building permits are the appropriate funding source and because of the recently implemented transportation impact fee, he feels a continuous funding source within the general fund budget is more sensible. Mr. O'Neil advised that Orange County funds at 1% of capital improvement projects and other cities fund from permits.

Commissioner DeCiccio asked whether the general fund can be used in lieu of a permitting fee. Mr. Knight said an adjustment would have be made in the budget.

Assistant Division Director of OMB Peter Moore noted that there is approximately $30 to $40k of unallocated funding for FY23 that could be used as a funding source.

Mayor Anderson said he would like to discuss, after the November penny sales tax vote, the link between transportation impact fees, the penny sales tax and a revenue source attached to permitting fees and requested staff obtain additional information about Orange County and Orlando's programs. He would like to consider a matching fund program. The commission confirmed its support for public art and after discussion on the fees, sales tax and use and amount of funding, consensus was to schedule for further discussion.

b. Budget Discussion & Set Tentative Millage Rate

Mr. Moore stated that the budget was prepared with the same millage rate for the 15th year and that revenue projections will be updated after the State sales tax projections are made available in late August.

Mr. Knight said the budget is balanced at 4.0923 mills and a voted debt service of .2647 mills for the Library and Events Center bond issue. Staff believes that the budget will remain balanced regardless of state revenue changes.

Mayor Anderson summarized the budget stating operating expenses increased approximately 6%, which is unusually high for an inflationary period, but the city has successfully managed its pension plans which helped to offset some of the inflation. He noted that materials and employment resources are an issue and have increased costs to complete projects and maintain superior levels of service. On the other hand, sales tax revenue has rebounded and real estate values have increased which result in increased revenues.

Motion made by Mayor Anderson to adopt the tentative millage rate of 4.0923 mills, seconded by Commissioner Weaver.

Motion made by Mayor Anderson to amend the motion to adopt the tentative millage rate of 4.0923 and a voted debt service millage of 0.2647, seconded by Commissioner Weaver. There were no public comments. **Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver and Mayor Anderson voted yes. Motion carried unanimously with a 5-0 vote.**

c. Progress Point Park Plan and Design

Director of Parks and Recreation Jason Seeley said that staff is requesting approval of the plan and/or guidance on the plan and approve additional costs. He noted that with inflationary costs, the project was scaled back to stay within budget of $3M. He referenced the base budget projections and add alternates for consideration with Parks and Recreation Advisory Board (PRAB) recommending the Commission consider the upgraded Orange Avenue trellis ($150k), public restrooms ($425k), shade canopies ($10k) and intermittent brick sidewalk accents ($150k).

Commissioner DeCiccio proposed transferring $1M from Parks Acquisition Fund that has been allocated to the Post Office to fund Progress Point since there is not likely to be any movement toward the relocation of the Post Office in the near future. This will allow for the trellis, brick Palmetto ($247k), cabanas ($10k), decorative boulders ($19,200), original landscape materials ($56,028). She requested that releasing the RFP for the building with restrooms so the city is not paying for the construction or maintenance, which will result in significant savings, time and effort.

Commissioner Sullivan agreed with the PRAB to move forward with recommended alternate items totally $735k. He expressed concern about moving forward with building construction at this time. He questioned whether the public restroom could be designed so that it could be incorporated into a building in the future since he feels restrooms are needed.

Commissioner Cruzada asked whether staff is confident the Post Office is not interested. Mr. Knight advised that the post office is not responding to the city.

Commissioner Cruzada supported the add alternates and feels restrooms are needed. Staff responded to questions regarding the bricking of Palmetto and boulders.

Commissioner Weaver expressed his concerns about bicycle and pedestrian safety and driver visibility due to the location of the bike path close to parking spaces on Palmetto and would prefer that it to be closer to the parking lot and elevated over the retention ponds. Aesthetically, he feels the restrooms should be put in the "island" to block view of parking lot. He supported the recommended add-alternates and reallocating needed funds from the Parks Acquisition, but not $1M.

Mayor Anderson supported the RFP for the building but questioned the timing. He expressed his reservation about designating funding without an understanding of plans and budget for MLK and other parks. He agreed with Commissioner Sullivan's comments and said further discussion is needed on the funding source.

Staff responded to questions and discussion was held on alternates and costs: interactive spray feature (not supported by PRAB at Progress Point), boardwalk through stormwater dry ponds (not considered – needs to be evaluated), bricking Palmetto, public restrooms (RFP, timing and location) and landscaping.

Scott Weber, ACi, responded to comments by the commission. He said that the restroom location was selected so the service entrance is out of view and suggested more landscaping around the building.

Ray Waugh, Land Design, spoke about the design of the park and orientation of building relative to other elements including the realignment of Palmetto, trails and park (handicap) access, functional drainage. In response to comments, he stated that the design can be modified and would not recommend decking over anything (swales or depressions).

Mayor Anderson said he feels the commission would like to see a different solution with a separation of the bike path. Discussion followed on the design (width) and safety of the bike path. Mr. Waugh noted that a multi-use path for bikes and pedestrians should be 12 feet which can be accomplished.

Commissioner Weaver restated his objection to the current bike path design.

Further discussion was held on the location of the bike path and barriers between path and on-street parking.

Kristen Sweatland, Land Design, responded to questions regarding the landscaping plan and proposed materials. The add alternate maintaining the original landscape materials ($56,028) will provide more mature and larger plants and create a bigger impact.

Mayor Anderson summarized his understanding of consensus is the bike path realignment with separation between the path and sidewalk.

After additional discussion, consensus was reached to include the upgraded trellis ($150k), cabanas ($10k), restrooms ($425k), accent brick sidewalks/elements ($150).

Consensus was not to include decorative/architectural boulders, original landscaping budget (mature landscaping), interactive spray and bricking Palmetto.

Discussion returned to funding. Mr. Knight noted that there are two funding sources – one is for parks acquisition or improvements and the other is strictly for park acquisition. He stated city policy provides for a percentage of reserves to be designated for parks which allows flexibility for park-related use.

Motion made by Commissioner DeCiccio to allocate $800k (from parks funds) for items agreed to by consensus and also for landscaping upgrades that can be accomplished within the $800k), seconded by Commissioner Weaver.

Motion made by Commissioner Weaver to approve the park plan and design subject to modification of the bike path: realign and separate the bike path from sidewalk and parked cars and to cross the curve driveway mid-way for maximum visibility, seconded by Mayor Anderson.

Commissioner DeCiccio suggested adding an additional trellis to the area behind the Buttermilk Baker, Foxtail and Reel Fish businesses as an option for shade if there were any funds remaining from the $800k. Mayor Anderson suggested staff find out what add-alternate options (including costs) would provide shade for the area.

There were no public comments.

Upon a roll call vote on the motion to approve the design with modifications, 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 approving the add alternates, Commissioners Sullivan, DeCiccio and Weaver and Mayor Anderson voted yes. Commissioner Cruzada voted no. Motion carried with a 4-1 vote.

Mr. Seeley noted that some residents are not fond of the name "Progress Point Park" and suggested bringing to PRAB for consideration. Commissioner Weaver suggested a naming competition or that the PRAB recommend names to be voted on by the public and that the Communications Department oversee the contest. Agreed to by consensus.

A recess was held from 6:55 p.m. to 7:02 p.m.

12) Public Hearings: Quasi-Judicial Matters (Public participation and comment on these matters must be in-person.)

a. Request of Marilyn King for:
   - Subdivision approval to split the property at 358 Virginia Drive, zoned R-1A, to create a new single-family lot on the vacant rear property fronting on East Lake Sue.
   - RESOLUTION 2263-22 – A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 358 VIRGINIA DRIVE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Director of Planning and Transportation Jeff Briggs reviewed this request for a lot split and to designate the existing home at 358 Virginia Drive as a historic landmark. He showed the proposed lots and new home fronting on Lake Sue Avenue, which conform with city code. The only variance is for the five-foot setback at the rear of the current home, which is permitted when designating a home to the historic register.

City Attorney Ardaman read the resolution by title.

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

13) Public Hearings: Non-Quasi-Judicial Matters (Public participation and comment on these matters may be virtual or in-person.)

a. Ordinance amending Chapter 58 “Land Development Code” Article III, "Zoning Regulations” Section 58-72 “Office (O-1) District” and Section 58-76 “Commercial (C-3) District” so as to amend the development standards regarding setbacks. (1st reading)

City Attorney Ardaman read the ordinance by title.

Assistant Director of Planning and Transportation Allison McGillis summarized the changes made by this ordinance to setbacks along Fairbanks Avenue in the O-1 zoning district, the rear setbacks in the O-1 and C-3 zoning district abutting residential areas and changing side setback variance authority to Board of Adjustments. She showed slides depicting these setbacks and responded to questions.

Motion made by Commissioner Sullivan to approve the ordinance on first reading; 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.**

b. Ordinance codifying the charter amendments approved by referendum on March 8, 2022. (1st reading).

Attorney Ardaman read ordinance by title.

Mr. Briggs explained that this ordinance places the charter amendments regarding supermajority votes approved by the voters on March 8th into the zoning regulations.

Attorney Ardaman confirmed the charter was amended to allow the commission to adopt an ordinance requiring supermajority votes and also established supermajority vote on certain requests.

Motion made by Commissioner Sullivan to approve the ordinance on first reading, 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.**

c. Ordinance amending Chapter 114, Lakes and Waterways, modifying maximum boat length. (1st reading)

Attorney Ardaman read ordinance by title.

Motion made by Commissioner Weaver to approve the ordinance on first reading, 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.**

14) City Commission Reports

Commissioner Sullivan –

- Showed a slide on city greenway connections between the city's major parks which he feels will be transformational and said he is looking forward to future discussions.

Commissioner DeCiccio –

- Addressed the issue of the unstable parking lot at the Library and expressed her concern about litigation and safety. Mr. Knight said the city has engaged a geo technical engineer to assess why the lot is sinking and the contractor, Brassfield and Gorrie, has been notified of the issue.
- Asked for an update on the turn lanes at Denning and Fairbanks. Mr. Marcotte the design is at 60% completion and is being reviewed by FDOT.
- Advised of complaints about the condition of Pennsylvania Avenue. Mr. Knight stated it was purposely bricked for traffic calming, which has been effective but the

volume creates divots and a rough road. Mr. Marcotte noted that staff continues to look at and repair specific areas.

Commissioner Cruzada –

- Stated that a community meeting was held on the proposed rezoning of 2300 S. Semoran. Orange County Commissioner Bonilla attended the meeting and after hearing residents' concerns, she indicated she would not support rezoning. The Orange Planning Zoning meeting was not held due to lack of quorum.

Commissioner Weaver –

- Advised of Lisa Tinker Marsh's s desire to serve on the Public Art Advisory Board and said he will provide her contact information.
- Spoke about alum stations and impact of phosphate. He suggested that the city promote phosphate-free fertilizer through a progressive public campaign.
- Said he conducted research on short term rentals and found that a Chamber survey revealed the need for more hotels, but he feels more rooms are needed and would prefer that city residents get revenue from room rental versus hotels. He provided information on other agency's regulations which he consolidated and prepared a proposed ordinance which he provided to Mr. Knight. He suggested that the fees would be good revenue source to provide funding public art.
- Spoke about climate action and extreme heat-related failures of homes, vehicles and equipment.

Mayor Anderson –

- Reported that FDOT will be funding the Brewer Curve study and that staff will be working on the scope next week. He and Mr. Knight are coordinating a meeting with FDOT District V Manager to discuss the city's participation in safety initiatives.

16) Adjournment

The meeting was adjourned at 7:59 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis