City Commission Regular Meeting Minutes

June 23, 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 Kurt Ardaman
City Clerk Rene Cranis

1) Meeting Called to Order

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

2) Invocation

Pastor Claude Cheatham, Bethel M. Baptist Church, provided the invocation followed by the Pledge of Allegiance led by Boy Scout Troop 58, St. Luke's Lutheran Church, Oviedo.

3) Approval of Agenda

Motion made by Commissioner Cooper to approve the agenda; seconded by Commissioner Weaver. Motion carried unanimously with a 5–0 vote.

4) Mayor's Report

Mayor Anderson spoke on the city's visioning work in 2016 and said the commission continues to adhere to the values selected by the residents in 2016, the two most important being history/heritage and village ambiance/small-town feel as it considers the OAO and other matters.

5) City Manager's Report

- Congratulated the Fire Department on its fifth consecutive reaccreditation and being one of only three agencies in the United State to have received five consecutive fire and EMS reaccreditations and being an ISO Class I Department.
- Howell Branch Road residential development – Code Compliance hearing is June 24th, debris has been cleared and the stop order is still in effect.
- Post Office – meetings with the Mayor continue to discuss options but there is nothing concrete to present at this time.

Commissioner DeCiccio presented a plaque to the city from Habitat for Humanity in recognition of the city's continued generosity and support.

6) City Attorney's Report

Commissioner Cooper spoke on the OAO documents and asked that the policy language be included in the comp plan.

7) Non-Action Items

a. Board Appointments - Commissioner Sullivan

Commissioner Sullivan reported the transfer of Sara Grafton from Community Redevelopment Advisory Board (CRAB) to Economic Development Advisory Board (EDAB) and Murray Wilton from EDAB to CRAB.

8) Public Comments | 5 p.m. or soon thereafter (Heard after Item 10b)

9) Consent Agenda

a. Approval of the minutes of the work session, June 3, 2021
b. Approval of the minutes of the work session, June 7, 2021
c. Approval of the minutes of the work session, June 8, 2021 (Removed by Commissioner Sullivan)
d. Approval of the minutes of the regular meeting, June 9, 2021(Removed by Commissioner Sullivan)
e. Approval of the minutes of the work session, June 10, 2021
f. Approval of the following purchase:
   1. Superion, LLC - Sungard HTE Annual Support; Amount $107,122.79 for support and maintenance of the NaviLine system.
g. Approval of the following contract:
   1. Le-Huu Partners - RFQ3-17B - Continuing Contract for Architectural Services; Amount $75,000 for as-needed architectural services.

Motion made by Commissioner Cooper to approve the Consent Agenda except c and d; seconded by Commissioner Weaver. Motion carried unanimously with a 5–0 vote.

Motion made by Commissioner Sullivan to amend the minutes of June 8th changing the second sentence in the second paragraph on Page 1 to read "He feels the city should not consider unequal distribution of funds even if some non-profits may deserve or need more money or provide a more valuable service."; seconded by Commissioner Weaver. Motion carried unanimously with a 5–0 vote.

Motion made by Commissioner Sullivan to amend the minutes of June 9th, changing the last paragraph on Page 9 to read "He feels the city should not consider unequal distribution of funds even if some non-profits may deserve or need more money or provide a more valuable service"; seconded by Commissioner Cooper. Motion carried unanimously with a 5–0 vote.

Motion made by Mayor Anderson to amend the minutes of June 9th changing the language in the second paragraph on Page 3 to read "…to move forward with the planting of trees and creation of the park, realignment of Palmetto Avenue and enhance surface parking, and allocate $3 million toward these items ($2 million from ARPA and $1 million from Parks Acquisition Fund)."; seconded by Commissioner Weaver. Motion carried unanimously with a 5-0 vote.

10) Action Items Requiring Discussion

a. Orange County Air Quality Monitoring Building Relocation and Lease Renewal

Mr. Knight provided a brief history of lease and stated the building will be relocated away from Unity Bridge under a new lease agreement since the previous lease expired. He advised, however, that entering into a new lease agreement requires the adoption of an ordinance. The goal is to have the new building constructed prior to the opening of the Library and Event Center so timing is important.

Mr. Ardaman stated that while the lease agreement cannot be approved tonight, the Commission could agree to the terms of the lease so the project could move forward, if agreeable to Orange County.

Mr. Ardaman, Mr. Knight and Brenda Moody, Capital Improvement Project/Grant Manager, responded to questions and followed by discussion on terms of the lease.

Commissioner Cooper suggested limiting the size of the monitoring equipment, allowing renewal only by mutual agreement, that Orange County pay 100% of utilities with a dedicated meter, and limiting vehicle access/parking. Mayor Anderson suggested limiting parking consistent with prior use.

Motion made by Mayor Anderson to approve the lease with modifications as suggested by Commissioner Cooper; seconded by Commissioner Cooper.

Motion made by Mayor Anderson to amend the motion to include authorization for staff to move forward with the project/construction prior to adoption of the ordinance to approve the lease; 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.**

Upon a roll call vote on the main motion as amended, Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote

b. Discussion of Super Majority Voting and Clarification on Ordinance Adoption Process

Mayor Anderson provided the background of discussions on super majority voting on specific matters, which would require a charter amendment and approval by voters. He noted the Commission received revised language for Section 2.11 of the Charter. Discussion followed on the language.

Motion made by Commissioner Weaver to approve the revised language in Section 2.11(a) which reads: "If there is a substantive or material change in the ordinance during the city commission's adoption process, then the city commission will conduct at least one reading and public hearing of the ordinance after such change is made. Further, if during the city commission's adoption process for an ordinance amending the comprehensive plan or the zoning of property there is a change made in the ordinance that results in an increase in the density or intensity of uses, or in a change to the permitted uses, prior to adoption the city commission will conduct at least one reading and public hearing of the ordinance after such change is made."; seconded by Commissioner Cooper. (Withdrawn and restated)

Motion made by Commissioner Cooper to amend the motion to revise Section 2.11(a) to read "… and has received the affirmative vote of 'at least' a majority of the city commission…"; seconded by Commissioner Weaver. (Amended and then incorporated in restated main motion below)

Commissioner Cooper questioned whether these amendments should be separate questions on the ballot and discussion followed. Attorney Ardaman pointed out that Section 2.08(c) reads "at least three members of the city commission who are present…" which would prevent adoption of an ordinance by two members of the city commission when only three members are present in a meeting. He suggested that the commission may want to consider having this same language in Section 2.11(a).

By agreement of Commissioner Cooper and Commissioner Weaver, the amendment was changed to "… and has received the affirmative vote of at least three members of the city commission…" (incorporated in final motion)

There were no public comments.

Commissioner Weaver withdrew the main motion, accepted by Commissioner Cooper.

Motion made by Commissioner Weaver to revise Section 2.11(a) to read "… and has received the affirmative vote of at least three members of the commission…" and "If there is a substantive or material change in the ordinance during the city commission's adoption process, then the city commission will conduct at least one reading and public hearing of the ordinance after such change is made. Further, if during the city commission's adoption process for an ordinance amending the comprehensive plan or the zoning of property there is a change made in the

ordinance that results in an increase in the density or intensity of uses, or in a change to the permitted uses, prior to adoption the city commission will conduct at least one reading and public hearing of the ordinance after such change is made."; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5–0 vote.

Discussion moved to Section 2.08. Attorney Ardaman noted that there are two versions and the commission must elect to move forward on one or the other either as written or with modifications. The more restrictive version lists matters that would require super majority vote which could presented as different questions on the ballot

In-depth discussion was held on the narrow approach listing matters separately in the charter and on the ballot and the broader approach of not listing matters.

Members of the commission presented the matters they felt should require super majority vote and consensus was reached on sale of city assets, land use change of property designated as park land, rezoning of property zoned PQP or PR, land use change or rezoning of lakefront property from residential use, land use change or rezoning on land use changes, rezoning PQP, lakefront rezoning from residential, and increasing intensity or density by determined percentage, and wetlands.

Discussion followed on the matter relating to designating a percentage of increase to intensity or density, consensus was to set the percentage at 50% of FAR.

Motion made by Commissioner Weaver to approve Section 2.08(c), requiring the affirmative vote of "..at least three members of the city commission" and adding " The affirmative vote of at least four (4) members of the city commission shall be required for the approval of the following matters: (i) conveyance of fee simple ownership of real property owned by the city; (ii) comprehensive plan future land use map amendment or rezoning of city-owned park land to a use that is not a recreational, park or city governmental use; (iii) rezoning of land currently zoned public and quasi-public (PQP) district or zoned parks and recreation (PR) district; (iv) comprehensive plan future land use map amendment or rezoning of lakefront property from a residential use to a commercial use; and (v) approval of a comprehensive plan amendment, land development code amendment or rezoning that increases the intensity or density of use of property by more than 50% percent from the existing allowed intensity or density of use."; seconded by Mayor Anderson.

<u>**Amendment #1**</u>**: Motion made by Commissioner Cooper to amend the motion to include buildings on wetlands and to cover changes in the current definition of the calculation of FAR; seconded by Commissioner Weaver.**

<u>Amendment #2</u>: Motion made by Commissioner Weaver to amend the motion to changing the last sentence to read "…by the affirmative vote of at least three members of the city commission…"; seconded by Commissioner Cooper.

There were no public comments.

Upon a roll call vote on Amendment#2, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on Amendment #1, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

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

The meeting recessed at 5:20 p.m. and reconvened at 5:30 p.m.

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

Joyce Cunningham, 251 Rippling Lane, asked that the commission and city reactivate the Lake Killarney Advisory Board.

William Voeks, 2096 Lake Drive, asked that the commission keep the Lake Killarney Advisory Board.

Jeff Briggs, Planning Manager, provided the background on the creation of this Board when the city intended to annex a portion of Lake Killarney. Consensus was to bring this back as an agenda item.

10) Action Items Requiring Discussion

c. <u>Electric Cost of Service Study</u>

Wes Hamil, Finance Director, reported on the study prepared by Leidos, reviewed the rate data and proposed rate adjustment with a recommendation from the Utilities Advisory Board for modified Option 2 to maintain the current base rates and moving the realignment to 40% toward the cost of service study effective October 1, 2022.

Staff and Mr. Sheppard responded to questions regarding demand and related unit costs and discussion followed. Concerns were raised by the commission that there is no incentive for customers to conserve energy.

Mr. Sheppard responded to questions regarding rates in comparison with other utilities, frequency of rate studies, requirements for filing rates with the Public Service Commission, and peak demand of residential versus commercial customers.

Motion made by Commissioner Sullivan to approve recommendation from Utility Advisory Board to implement Modified Option 2 from the electric cost of service study effective October 1, 2022; seconded by Commissioner DeCiccio.

Motion made by Commissioner Cooper to amend the motion to adjust the customer base charge consistent with consultant's recommendation to $18. Motion failed for a lack of second.

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.**

11) Public Hearings

a. <u>Ordinance Establishing a Broadband and Smart City Ad-Hoc Committee. (First Reading</u>)

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weaver to approve the ordinance on first reading; seconded by Commissioner DeCiccio.

Commissioner DeCiccio questioned whether fiberoptic is included and discussion followed on different interpretations of broadband and fiberoptic. Parsram Rajaram, Director of IT, presented options to the word "broadband" as the definition differs.

The commission offered suggestions for the purpose and responsibilities of the board including evaluating the method and cost of broadband choices and defining "smart city" for Winter Park, and creating innovations to help citizens and businesses. Suggestions also included defining qualifications of members and board responsibilities followed by additional discussion.

<u>Amendment #</u>1 Motion made by Commissioner Cooper to amend the motion to add language to add evaluation of the cost; seconded by Commissioner Weaver.

<u>Amendment #</u>2 Motion made by Commissioner Sullivan to add to purpose: explore innovative and utilize creative ways to utilize technology; seconded by Commissioner Weaver.

<u>Amendment #</u>3 Motion made by Mayor Anderson to amend the main motion to Item #1, after "broadband", insert "standard of service, technology"; seconded by Commissioner DeCiccio. (revised at roll call vote below)

<u>Amendment #4</u> Motion made by Mayor Anderson to amend the main motion to have a seven-member board with each member of the Commission making one appointment and the remaining two members appointed by general consensus of the Commission; seconded by Commissioner Sullivan.

There were no public comments.

Upon a roll call vote on Amendment #4, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on Amendment #1, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on Amendment #2, Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

Upon a roll call vote on Amendment #3 and adding "including but limited to fiberoptic", Mayor Anderson and Commissioners Sullivan, DeCiccio, Cooper and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

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

The meeting was recessed at 7:08 p.m. and reconvened at 7:13 p.m.

12) City Commission Reports

<u>Commissioner Sullivan</u>

- Asked the city to continue to explore Ready for 100 - move forward and explore. Shared what he has learned attending Citizens Police Academy and urged people to attend.

<u>Commissioner DeCiccio</u>

- Asked whether Coffee Talks will be starting again. Consensus was to begin Coffee Talks either at the Community Center or Chamber of Commerce building.
- Spoke on the ARPA funding with a portion approved to be used for police officer hiring and equipment and suggested looking at during the budget process.

<u>Commissioner Cooper</u>

- Also spoke on the ARPA which may be used for necessary infrastructure projects and suggested considering using for stormwater improvements on Progress Point. She asked that the city attorney review the regulations for permitted expenditures. Discussion followed on uses of ARPA funds. Mr. Knight advised that they continue to receive guidance and explore opportunities.
- Thanked staff for reaching a parking agreement with Valencia College.
- Suggested that staff look for opportunities to incentivize employees to get vaccinated and to provide vaccination options at large city events.

Commissioner Weaver

- Thanked the Commission for agreeing to discuss the Lake Killarney Advisory Board.
- Thanked the Heritage Center for the Juneteenth celebration.
- Said he will be making new board appointments to several boards in the next meeting.

Mayor Anderson

- Noted that the July 14th Work session will focus on reviewing capital projects and said that staff is identifying projects, timing and source of funds. He said he may ask for long term dedicated account to fund the expansion of Central Park.
- Addressed commission liaisons to advisory boards and said that he feels it is more important to discuss each board's mission to gain a better understanding of the mission. Mr. Knight stated it would be helpful to the advisory boards to know the Commission's direction.

13) Summary of Meeting Actions

- Approved the consent agenda.
- Approved, in concept, the lease with Orange County for the air quality monitoring building.
- Approved super majority language with amendments and scheduled for first reading.
- Approved electric cost utility rates as recommended.
- Approved broadband ordinance on first reading with amendments.
- Schedule discussion on Lake Killarney Advisory Board.
- Schedule discussion on commission liaisons to advisory boards.
- Requested update on Ready for 100.
- Bring back Coffee Talk
- Staff to research vaccination options for large city events.

14) Adjournment

The meeting adjourned at 7:38 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis