City Commission Regular Meeting Minutes

June 8, 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; City Clerk Rene Cranis

1) Meeting Called to Order

Mayor Anderson called the meeting to order at 3:31 p.m.

2) Invocation

Pastor John Evans, Action Church, gave the invocation followed by the Pledge of Allegiance.

3) Approval of Agenda

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

4) Mayor Report

Mayor Anderson announced that the Rollins College baseball team advanced in the National Championship. Commissioner DeCiccio announced that the Winter Park High School women's crew team and the men's volleyball team won state championships.

5) City Manager Report

Mr. Knight said he and Mayor Anderson met with Orange County representatives to discuss regional topics including expansion/extension of the CRA. Representatives were open to the concept and follow-up meetings will be held with Orange County. With a Commission work session scheduled to discuss the CRA, he asked that the Commission consider the benefits of expansion of the boundaries and extension of the CRA.

6) City Attorney Report

Commissioner DeCiccio reported on the recent Supreme Court case regarding the City of Boston's denial of a request by a Christian group to fly a flag and suggested reconsideration of the city's banner policy. City Attorney Ardaman cited another recent case and said he will review.

7) Non-Action Items

8) Public Comments | 5 p.m. or soon thereafter (taken after Item 12 a)

9) Consent Agenda

a. Approve the minutes of the regular meeting, May 25, 2022. (Removed by Mayor Anderson)
b. Approve the following piggyback contracts:
   1. Miller Electric Company - Osceola County Contract #RFP-21-12227-TP - Video Surveillance, Maintenance & Installation; for services on an as needed basis during the term of the Agreement, contract term through April 30, 2024; Amount: $500,000
   2. KMG Fence, LLC - City of Orlando Contract #IFB20-0418 -Fence Repair, Replacement and Installation; for services on an as needed basis during the remainder of the current term of the Agreement, contract term through October 04, 2023; Amount: $200,000
c. Approve the following contracts:
   1. Sternberg Lanterns - SS22-42 - Decorative Streetlighting; for goods on an as-needed basis during the remainder of the current term of the Agreement through October 1, 2022; Amount $100,000
   2. Gerhartz and Associates, LLC - RFQ16-12 -Amendment 9 - Continuing Contract for GIS Services; for services on an as needed basis during the term of the Agreement through September 30, 2025; Amount: $280,000
d. Sale price agreement for 654 Selkirk Dr.

Mayor Anderson removed Item a for clarification.

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

Item a: **Motion made by Mayor Anderson to amend the motion on Page 6 to read "grass block" and changing all references on Pages 10-12 to net zero carbon dioxide to "100% net zero carbon dioxide" to be consistent with OUC's definition; seconded by Commissioner Sullivan. Motion carried unanimously with a 5-0 vote.**

10) Action Items Requiring Discussion

a. Direction on the Historic Rehabilitation Grant Program.

Director of Planning and Transportation Jeff Briggs spoke about the historic preservation grant program and advised that there is no funding to award grants to the current applicants. Staff is recommending reducing the grant amount from $25k to $12,500 for FY 23 and is requesting $100k to fund four pending applications in FY22 at

$25k each. He clarified that for FY 22, two applications have been funded at $25k each, two others are ready for approval pending funding, and there are two in the application process, which leaves a shortfall of $100k for FY 22.

Discussion followed on sources of additional funding (reserves or ARPA) for FY 22 and number of grants and grant amounts for FY 23. Mr. Knight suggested that it be made clear that grants are on a first-come, first-served basis and while funds are available.

Motion made by Mayor Anderson to fund $90k in the FY 23 budget, set grant awards at $18k each, and allocate $100k from ARPA funds to fund the four pending applications in FY 22; seconded by Commissioner Weaver. There were no public comments. **Motion carried unanimously with a 5-0 vote.**

b. Work Session Schedule

Mr. Knight advised of a request from attorney Becky Wilson for a work session related to the proposed Restoration Hardware project on 17-92 at the site of the former proposed Henderson Hotel.

Commissioner Weaver expressed his reluctance to schedule work session since he was advised by area residents that the properties have not been assembled and expressed his concern about setting a precedent.

Mayor Anderson disclosed he spoke with applicant and Ms. Wilson. He questioned whether this is a policy matter for certain land use changes and whether a work session is the right way to flush out that policy question.

Mr. Ardaman said the commission could have a work session to discuss the future of that area or have the applicant proceed through the formal application process.

Commissioner DeCiccio said she has spoken with Ms. Wilson and Restoration Hardware representatives and understands that they are looking for direction. She feels it is a good opportunity to hear the plans and to provide direction.

Mayor Anderson said he feels discussion needs to take place in a public forum with public comment. Following a brief discussion on the project, Mayor Anderson suggested that a policy discussion be placed on an upcoming next agenda before discussing details of the project.

Commissioner Sullivan disclosed he met with Ms. Wilson. He said a discussion and policy is needed on whether the commission could or should review conceptual projects without a formal application. Discussion was held on options for a work session and community meetings. Mr. Ardaman advised members of the Planning and Zoning Board and City Commission board members not to enter into any discussion, offer comments or ask questions at a community meeting unless it is advertised as public meeting and minutes are taken.

Consensus was to suggest to the applicant that they hold community meetings, including the Planning and Zoning Board and Commission members and to place policy discussion the next commission agenda

Mayor Anderson asked whether bike/pedestrian pathways will be part of the work session on parks projects on July 28th or the October work sessions on traffic, mobility and parking. Mr. Knight stated that parks work session is intended to be about major parks but could add the discussion on bike/ped paths. Mayor Anderson suggested adding a brief discussion on bike/pedestrian paths to the parks work session.

Motion made by Commissioner DeCiccio to approve the work session schedule; seconded by Commissioner Cruzada. Motion carried unanimously with a 5-0 vote.

The meeting was recessed at 4:25 p.m. and reconvened at 4:37 p.m.

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

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

a. Ordinance: Notice-To-Dispose (NOD) of Swoope Property (1st reading)

Division Director of Office of Management and Budget Peter Moore gave a presentation on the history of property use and the process leading to the decision to consider disposal of the property. He outlined the city's goal to consolidate parks services equipment, repurpose the existing maintenance facility for a columbarium which would generate revenue, remove of the shed in Central Park and the Quonset Hut that sits on golf course property. He explained the Notice of Disposal process and reviewed the proposals received from Saltmarsh 7th Generation and Elevation Financial Group. He showed comparison of taxable value and impact to taxable revenue. Staff recommends moving forward with the Elevation Group Proposal.

He responded to questions explaining each contract has information about the proposed project and also has language stating that the contract does not give approval to the project, but must go through the approval process. Mr. Ardaman added that Exhibit B is a concept plan and the contract states the commission is not obligated to grant any approvals and is subject to approval processes. He stated that four affirmative votes are required to sell property and also for certain comp plan changes and possibly rezoning since the property is designated PQP.

Mayor Anderson recalled prior discussions regarding building height and said he would prefer a height limitation rather than story/level limitation. He addressed Section 10 of contract requiring commencement of construction within five years from the closing date and asked about the possibility of a buy-back or right-of-first refusal or other option if the buyer were to back out without building.

Mr. Moore said the applicant would have to respond to that question. He said he understands that Elevation intends to make this part of their office park concept and move their headquarters. Mr. Ardaman added that a buy back provision was initially suggested but was rejected by the applicant and resulted in the clause in Section 10. The clause would be dependent upon agreement by Elevation.

Commissioner Weaver commented on the fire access to the south (western border of RR) and said a larger (50-foot) radius is needed to accommodate fire vehicle access.

Ben Friedman, attorney with Elevation, shared details about their involvement in this process, changes and evolution of their proposal and spoke about city goals accomplished with this proposal. He agreed with Commissioner Weaver's comments regarding the need to provide circular access for emergency vehicles. He noted their agreement to go through the normal approval process.

Motion made by Mayor Anderson to move forward with the Elevation proposal with the following modification before second reading: inclusion of a right of first offer or right of first-refusal clause in the contract; seconded by Commissioner DeCiccio.

Commissioner Weaver suggested including the city's offer for replacement of the parking back to Elevation that the city would be taking over as a result of relocating the maintenance facility if the project is not built and a 50-foot radius for emergency vehicles.

Attorney Ardaman read the ordinance by title. 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

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

12) Public Hearings: Non-Quasi-Judicial Matters (continued)

b. ORDINANCE 3245-22 - AN ORDINANCE OF THE CITY OF WINTER PARK FLORIDA, AMENDING DIVISIONS 1 AND 2 OF CHAPTER 2, ARTICLE III OF THE CITY OF WINTER PARK CODE OF ORDINANCES REGARDING SUBSIDIARY CITY BOARDS AND THE MEMBERSHIP, FUNCTIONS, DUTIES AND PROCEDURES OF SUBSIDIARY CITY BOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. (2nd Reading)

Attorney Ardaman read the ordinance by title.

Commissioner DeCiccio, said she feels Numbers 2 and 3 under Item (r), Order and Decorum, are subjective and are not needed based on Number 1. Mr. Ardaman suggested that Numbers 2 and 3 could be deleted and adding "and not disrupt proceedings" at the end of Number 1.

There were no public comments.

Motion made by Commissioner DeCiccio to adopt the ordinance amending Item (r) by deleting Numbers 2 and 3 and adding at the end of Numbers 1 and 4 "and not disrupt the proceedings"; seconded by Commissioner Weaver. Upon a roll call vote, Commissioners Sullivan, DeCiccio, Cruzada and Weaver voted yes. Motion carried unanimously with a 5-0 vote.

13) City Commission Reports

Commissioner Sullivan -

- Spoke about the Uvalde, Texas, school shooting and gun violence and questioned what the city could do to help protect the community. He cited state laws that preempt the city from taking action to suppress gun violence; in particular the city cannot ban guns by persons with a concealed weapon permit in certain locations such as the Library and Events Center and Community Center. He asked for a work session in the near future to consider some legal steps to curb gun violence and to consider some critical gun safety steps that he feels are critical, but are currently preempted.

Commissioner DeCiccio suggested that the Police Department be included to provide guidance on what can be done. Commissioner Sullivan concurred.

Mayor Anderson said this is evolving fast and it is wise to have work session on what is available to us but is best done in the context of some pending legislative decisions and should be more educational and exploratory than policy setting.

Commissioner Weaver spoke about the strict gun regulations in Germany and encouraged voters to consider candidates based on their position on gun reform.

Consensus was for an educational work session after state and supreme court decisions are released. Mayor Anderson said it would helpful to understand support of schools.

Commissioner DeCiccio -

- Said the Rotary Club is celebrating its 75th year and will sending information to the city for a proclamation.

Commissioner Cruzada -

- Gave an update on the rezoning of 2300 S. Semoran Blvd, scheduled for Orange County's Planning and Zoning Board on July 19th and said he will provide dates of a potential community meeting.

14) Summary of Meeting Actions

- City Attorney to review banner policy.
- Approved the Consent Agenda with amendments to the May 25th minutes.
- Approved $100k for FY 22 historic preservation grant program from ARPA funds, directed staff to include $90k in the FY 23 budget at a grant award of $18k.
- Staff to suggest to the developer of the Restoration Hardware project to hold a community meeting and allow Commission and Planning and Zoning members to attend. Place policy discussion on the next agenda.
- Approved work session schedule.
- Approved contract with Elevation Financial for the Swoope property.
- Adopted the advisory board ordinance with amendment.
- Schedule work session on gun regulations after rulings from state and Supreme Court.

15) Adjournment

The meeting adjourned at 5:37 p.m.

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Mayor Phillip M. Anderson

ATTEST:

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City Clerk Rene Cranis, CMC