



City Commission Regular Meeting Minutes

July 8, 2020 at 3:30 p.m.

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

Present

Mayor Steve Leary
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

The meeting was conducted via GoToWebinar.

Mayor Leary called the regular meeting of the City Commission to order at 3:53 p.m.

2. Invocation and Pledge of Allegiance

Pastor Claude Cheatham, Bethel Baptist Church, provided the invocation followed by the Pledge of Allegiance.

3. Approval of Agenda

Motion made by Commissioner Cooper to approve the agenda, seconded by Commissioner DeCiccio. Motion carried unanimously.

4. Mayor's Report

5. City Manager's Report

Select City Commission Member to Serve on City Attorney RFP Committee

Mr. Knight explained that the city attorney contract expires September 30th and the contract is required to be rebid every five years. The RFP has been issued and a member of the Commission needs to be appointed to the selection committee.

Commissioner Cooper questioned if this is in the city's best interest due to the pending lawsuits. After discussion, consensus was to cancel the RFP and bring a contract extension for the current attorney to September 30, 2021 to the commission for approval.

Mr. Knight stated that the work session for tomorrow was canceled. The next budget work session is July 20th at 3:30 for final department presentations and discussion.

Mr. Knight stated he will provide a financial update on the Library and Events Center Project tomorrow.

CIP Report

No discussion.

6. City Attorney's Report

Attorney Ardaman commented on the status of pending litigation regarding the OAO and stated an Executive Session may be needed in the future. The Planning and Zoning Board meeting to discuss the OAO moratorium was deferred to July 21st and first reading before the commission is July 22nd. He clarified that this is not a moratorium on all development and will not prevent anyone from moving forward under existing codes and regulations.

He advised stated that the City of Pensacola arbor litigation is at the appellate level.

7. Non-Action Items

a. Financial Report for May 2020

Finance Director Wes Hamil stated that a shortfall of approximately \$3 million is anticipated due to COVID19 and reviewed reductions made to offset the shortfall. He reviewed water and sewer usage, electric sales, bulk power savings since January and COVID19 relief measures.

Commissioner Cooper asked that estimates to complete be added to the monthly report.

Commissioner Weaver expressed concern regarding resuming electric cut-offs on July 13th and asked how many customers will be impacted by the cut-offs. Mr. Knight stated that all affected customers were notified of the ability to apply for an extension and establish a payment plan which will remove them from the cut-off list. Mr. Hamil stated that as of last week 66 customers have established a payment plan and staff continues to work with customers to avoid disconnection where possible.

In response to questions by Commissioner DeCiccio, Mr. Hamil stated there is a deficit in electric reserves and water and sewer reserves are at approximately \$10 million but will be spent down on future capital improvements. Mr. Knight explained that the city has six years to complete electric undergrounding and stated staff would not recommend acceleration with a bond issue.

8. Citizen Comments (heard after Item #10)

9. Consent Agenda

- a. Approve the minutes of June 22, 2020 (Pulled by Commissioner Cooper)
- b. Approve the following contract items:
 1. Allcrete: Amendment to renew RFP-13-2017 - Continuing Concrete Services; not to exceed \$300,000.
 2. Anixter; Electric Supply of Tampa; Gresco Utility Supply; Wesco Distribution: Amendment to renew IFB-16-2019 - Purchase and Delivery of Conduit/Pipe; not to exceed \$580,000.
 3. Anixter; Electric Supply of Tampa; Gresco Utility Supply; Irby Utilities: Amendment to renew IFB-20-2019 - Electric Utility Construction and Maintenance Materials; not to exceed \$350,000.
 4. Dix.Hite + Partners: Amendment to renew RFQ-14-2017 - Continuing Professional Landscape Architectural Services; as needed.

5. Kimley-Horn & Associates: Amendment to renew RFQ15-2017 - Continuing Professional Roadway Design Services; as needed.
6. Hanson Professional Services: Amendment to renew RFQ-16-2017 - Continuing Professional Services: Continuing Professional Green Planning and Engineering Services; as needed.
7. DRMP: Amendment to renew RFQ-20-2018 - Continuing Professional Survey Consulting Services; as needed.
- c. Approve the following solicitation:
 1. Howard Industries: IFB-8-2020 - Purchase and Stocking of Single-phase Transformers; \$508,970.
- d. Approve the following piggyback item:
 1. Cubix: Increase allowable spend under existing piggyback of Orange County contract #Y19-1018 - SaniGlaze Services; Not to exceed \$75,000.

Commissioner Cooper asked to pull Item 9a.

Motion made by Commissioner DeCiccio to approve the Consent Agenda except Item 9a; seconded by Commissioner Cooper.

Commissioner Cooper asked that the minutes on the discussion of micromobility be clarified to state that micromobility devices will not be allowed anywhere with sidewalk dining. Approved by consensus.

There were no public comments.

Motion to approve the Consent Agenda with the clarification noted carried unanimously.

10. Action Items Requiring Discussion

a. Review Draft Resolution Governing City Commission Meetings

Mr. Knight reviewed the changes he had made to the resolution based on charter amendments and previous commission consensus. After commission input, the public hearing on the resolution will in the July 22nd meeting.

- Rule 1 - Changes regular meeting to Wednesday as recently approved
- Rule 2 and Rule 3 - Provides that requests for and scheduling of special or emergency meetings and work sessions be made in a public meeting if possible.
- Rule 4 - Allows for virtual meetings as allowed by the Governor or as authorized by law.
- Rule 5 - Provides that potential agenda items must be brought up during a commission meeting and requires concurrence of the majority of the commission to place on a future agenda. Also, prohibits action by the commission when the item is brought up unless a majority of the Commission agrees to vote on an item due to time constraints or on ministerial matters that additional information is needed to make a decision.
- Rule 5B - Allows newly elected commission members to request reconsideration of an item that was voted on prior to their election to office.
- Rule 8 - Removes language regarding board appointments under Mayor reports, adds language to provide for citizens comments to be heard at the end of the meeting if the meeting ends before 5:00, add Summary of Meeting Actions.

- Rule 9D - Clarifies language.
- Rule 10 - Allows for voting by voice or electronic device when participating through video-conferencing.
- Rule 11A - Clarifies that the resolution does not create additional legal requirements.
- Rule 11B2 - Removes language regarding the review process of ordinances.
- Rule 12(I) - Delete reference to prior policy
- Rule 14 - Allows for and guides participation by video conferencing.

In response to comments by Commissioner Weaver, Mr. Knight stated the charter amendment allowed for participation through videoconferencing but not by phone and said he would ensure the resolution is consistent with the charter amendment.

Commissioner Cooper provided the following revisions:

- Rule 1 - End meetings at 10:00 p.m., remaining hearings will be placed on the next agenda. **Majority opposed.**
- Rule 1 - Start meetings at 5:00. **Majority opposed.**
- Rule 2 and 3 - Revise language to state that both requests and scheduling of meetings should be made in a public meeting if possible. **Majority supported.**
- Rule 3 - Require one regularly scheduled work session per month. **Majority supported.**
- Rule 5 - Require that all Commission meeting minutes including work sessions and CRA Agency meetings be presented to the Commission within two weeks of meeting. **Majority supported.**
- Rule 5(A) - State that “no member of the city commission can direct a staff member or the city attorney to prepare an agenda item without the member first addressing it a public meeting...”.

Commissioner Weaver suggested adding language to allow the mayor or commissioner to request the city manager to place an item on an agenda item and ask other commissioners to determine consensus to place on an agenda.

Mr. Knight stated making that request is comparable to polling members of the commission outside a commission meeting which is a violation of the Sunshine Law.

Attorney Ardaman concurred with Mr. Knight and responded to questions. He advised the City Manager could decide to place an item on the agenda as is within his authority. He added that it is acceptable to ask a member of the commission about their availability for a meeting but it is not acceptable to question the subject matter. Any member of the commission may call for a special or emergency meeting at any time but the question to each commission member regarding the meeting would be about their ability to attend.

After discussion, **majority opposed** Commissioner Weaver’s revision.

Majority supported changing “ask” to “direct” and to require requests to add agenda items be in writing.

- Rule 5 - Add under the City Manager's Report that the City Manager shall advise the commission of items coming to the commission on future agenda to provide Commissioners time for thorough review. **Majority supported.**
- Rule 5(B) - Delete section. After discussion, **majority opposed.**
- Rule 5(C) - Require commission agenda packets to be distributed by Thursday before the Wednesday meeting. Mr. Knight pointed out that this rule applies to posting of the agenda on the website and at City Hall, not to distribution of the commission packets. **Majority supported changing Monday to Thursday prior.**
- Rule 5 - Add language requiring the concurrence of the majority of the commission to place an item on the agenda relating to the city attorney, lobbyists or auditor. **Withdrawn by Commissioner Cooper.**
- Rule 7 - Define "informal meeting" and require that all Commissioners be invited to attend any meeting between individual commissioners.
Mr. Knight said he feels an informal meeting is synonymous with work sessions where no action is taken. After discussion, **majority supported defining informal meetings as work sessions.**
- Rule 8, Delete "by the presiding officer or" and leave change of order of business as something the Commission must agree on. **Majority supported.**
- Rule 8, #4, Do not delete statement regarding "actions except boards"
Mr. Knight stated that it was removed from the Mayor' Report since appointments are no longer made solely by the Mayor and will be an action item. **Withdrawn by Commissioner Cooper.**
- Rule 9, Rewrite to clarify that public comments are not allowed at work sessions unless specifically requested. **Majority supported.**
- Rule 9(A) - Add requirement that e-mails regarding agenda items received after the time of public notice be included in agenda packet or sent to members of the Commission prior to meeting. After discussion, **majority supported allowing staff to forward e-mails addressed to staff.**
- Rule 9(D) - Delete in the 8th line "and the person having the floor". **Majority supported.**
- Rule 9(D) - Delete sentence that begins "Further, City Commissioners shall comply with this rule..." **Majority supported.**
- Rule 9 - Add language that residents receive first priority to speak if there is a large number of speakers. **Majority supported.**
- Rule 10 - Delete allowing electronic voting by Commissioners
Commissioner Weaver said this would delete allowing vote by video conferencing.
Mr. Knight explained that the new agenda management software allows for electronic vote where votes are displayed to the public and automatically recorded into the minutes. **Majority opposed.**
- Rule 11(B)2 - Leave as is, but require decisions impacting land use to be accompanied by a sign-off sheet by department heads addressing availability of public services (including water/sewer, transportation, parks, schools, tree preservation, fire and police). **Majority supported.**

Motion made by Commissioner Cooper to approve the resolution; seconded by Commissioner Weaver. (withdrawn)

Mr. Knight advised that this will be brought back to Commission on July 22nd as a Public Hearing with changes that were approved by a majority.

b. Discussion of Progress Point

Mr. Knight explained that this item is to discuss the next steps to move forward on the Progress Point property. In a previous meeting, consensus was reached to require a 1.5 park and maximum FAR and other items. Commissioner Sullivan prepared draft points for a resolution outlining the development parameters of Progress Point and was forwarded to members of the Commission.

Commissioner DeCiccio asked for support for a study of this property from a civil engineering and greenspace aspect with maximum funding of \$100,000 from the park acquisition grant fund. This would lay the groundwork for moving forward on Progress Point. Bob Bendick informed her of the potential of federal grant funds which can be used to develop greenspace.

Mr. Knight explained that this involves more than Progress Point and is a wholistic view of connecting Mead Garden to the Progress Point park to MLK and possibly down Morse Blvd to Central Park. This whole plan would then be presented as part of the grant application if the grant/funds become available.

Discussion ensued on grant availability and terms, and the design scope for Progress Point including parking garage, the queuing of the parking garage, alignment of Palmetto, and bike path, and cost and funding for the study.

Commissioner Weaver said that he understands these grants are rated and that an engineering concept is needed and that more detail in the grant application will increase the likelihood of getting a grant. He feels this would be worthwhile.

Commissioner Sullivan stated that a conceptual plan of an integrated park program will also increase the likelihood of receiving a grant.

Commissioner Cooper suggested that the City Manager speak with its consultant on the viability of receiving a grant.

Mayor Leary asked whether the intent is for the city to be owner and master developer of this park and remaining land. Commissioner DeCiccio replied yes. Mayor Leary spoke in favor of selling or leasing the land to a master developer with an RFP detailing the city's expectations for development and questioned why the city would take on the expenses of ownership rather than the use the revenue from the sale of the property for park improvements and other uses.

Discussion followed on the benefits of retaining the property versus selling or leasing the land.

Commissioner Cooper commented on Commissioner Sullivan's draft points on the development of Progress Point. She spoke in favor of developing a business case that includes an assessment of parking needs, stormwater treatment and retention.

Commissioner Weaver said he feels this will be a good investment if grant funding will lead to development of the park and economic development along Orange Avenue.

Commissioner DeCiccio said the study is two-fold; first integration of the parks to put the city in a better position to receive a grant and second, it provides a basic plan for Progress Point

showing buildings, roadways, drainage, and the basics of what needs to be done for the development for Progress Point. In addition, it would provide costs.

Mayor Leary interpreted Commissioner's DeCiccio's request to allocate \$100,000 from the parks acquisition fund to fund a greenway/parks comprehensive study to include preliminary conceptual designs for Progress Point.

Mr. Knight agreed with Mayor Leary's interpretation and said that if the Commission desires, staff could work with its consultant to develop more detailed scope and cost.

Mayor Leary suggested that the scope needs to be refined before authorizing money. Commissioner DeCiccio agreed and asked that it be placed on the July 22nd agenda.

Commissioner Sullivan suggested that the city aggressively pursue grant opportunities to develop an integrated park plan that goes beyond Progress Point. In response to Mayor Leary, Commissioner Sullivan stated that his draft points specifically address the development of Progress Point and is separate from this discussion on a grant which goes beyond Progress Point.

Commissioner DeCiccio suggested that Bob Bendick, who advised her of the grant opportunity, and ACi Architects be invited to the next meeting to provide additional information.

Commissioner Weaver suggested a work session rather than waiting for two weeks. After discussion, consensus was to schedule a work session next week to discuss the scope and the grant opportunity and to invite Bob Bendick, who provided initial information on the grant opportunity, and Steve Goldman and Larry Adams who were part of the park study thus far, and also the city's lobbyist.

Commissioner Sullivan stated that his draft points summarize his general understanding of the development parameters as a result of the May 4th work session including the city retaining ownership and control, a contiguous park, maximum building footprint, no residential units, realignment of Palmetto, survey of citizens on the development of the property, and consideration for non-profit use for arts and culture. Mr. Knight advised that this has not been developed into a formal resolution, but was provided as a list of parameters to be included in a draft resolution.

Commissioner Weaver summarized his understanding of the items of consensus including moving Palmetto south with a bike lane, a minimum 1.2-acre park, possibility of linear buildings to the west of the park, flat parking lot and possible underground water storage.

Commissioner Cooper recalled that decisions were preliminary and she is not fully supportive of the parameters and without additional information, she is not ready to adopt a resolution.

8. Citizen Comments (heard after 5:00)

Michael Perelman, 1010 Greentree Drive, commented on the statement issued by the City supporting diversity. He stated that diversity and inclusion is not evident in the city's selection of persons giving invocations in Commission meetings. He provided statistics on persons that gave the invocation and said he feels the city is failing and needs to publicly demonstrate diversity and inclusion in all areas.

11. Public Hearings

12. City Commission Reports:

Commissioner Sullivan

- Asked why the work session scheduled for July 9th was canceled and asked for the survey questions sent to business and property owners and responses.
Mr. Stephenson advised that the work session was canceled due to failure of positive responses by property owners and businesses and said he will send the list of persons invited to the work session. He said the survey related to parking needs and will send the information requested.
- Received positive feedback of the Farmers Market at the West Meadow and asked if there is any consideration for moving it there permanently.
Mr. Knight said it is being considered and will be to the commission for consideration.
- Commented on sustainability efforts and suggested that the city take steps for improving sustainability efforts.
- Asked that the city pledge to move toward 100% renewable energy. Consensus was to place on a future agenda for discussion.

Commissioner DeCiccio

- Asked for information on recent bicycle thefts.
Police Chief Michael Deal provided statistics on bicycle thefts since January which the department is actively investigating.

Commissioner Cooper

- Presented a draft schedule for moving forward with the OAO which will staff will send to the Commission and asked that comments/suggestions be sent to Mr. Stephenson.
- Thanked staff for the virtual 4th of July celebration.
- Asked staff to address drainage and equipment staging issues on Oneco Avenue and drainage issues in Arbor Point.
- Commented on the seepage issues from the lift station at Gaines Way and asked staff to address access issues and consider using a generator to resolve this issue.
- Stated that she will be sending her comments on the Library and Events Center Audit to staff tomorrow who will forward it to the Commission and asked that the Commission send comments/recommendations to city staff.
- Expressed her disappointment about not getting property owners and business owners within the OAO to a work session. She suggested getting e-mail addresses through the city's GIS system to increase participation in discussions.

Commissioner Weaver

- Complimented staff on continuing with infrastructure projects and their work efforts.
- Thanked staff for the solar awning and hopes that this can be expanded to other city buildings.
- Commented on the article from *Strong Towns* regarding mixed use development in relation to the OAO.

- Asked when the city renegotiates power source contracts.
Mr. Hamil provided the expiration of contracts with Covanta the first to expire in 2024 and FMPA and OUC to follow in several years.
Commissioner Weaver expressed his concern that parts of the city are paying 20% higher rates with Duke Energy and expressed his hope that the city will be able to reduce reliance on these power sources.
- Asked for list of open and frozen positions.
- Said that Fairbanks is the only major east/west roadway and suggested that with reduced traffic now may be the time to look at widening the sidewalk, which may involve reducing travel lane width, for a bike/ped path from Osceola/Brewer split running along Lake Mizell.
- Suggested that the city aggressively pursue the purchase of properties at the northwest corner Fairbanks/Denning for intersection and roadway improvements.
- Suggested that incentives should be considered for lawn maintenance companies that use battery-operated equipment. After discussion, consensus was to place on a future agenda for discussion with KWPB/Sustainable Board.

Mayor Leary

- Expressed sympathy for death of Michelle Cole, daughter of Eatonville Mayor Eddie Cole.
- Thanked the Bush and Nunziata families for the fireworks display on Lake Virginia, for hosting a dinner to honor emergency service personnel and Rollins College for allowing the use of the parking garage to view the fireworks.
- Asked for an update on boat house regulations which were to be reviewed by the Lakes Board. Mr. Knight will provide an update.
- Asked for an update on the city's progress in finding alternatives for high speed internet access and cable services. He suggested looking at use of CRA funds, grants or other funding options to create a network. Mr. Knight said it is proposed to be on the next agenda.
- Advised that Nancy Miles from the Women's Club may be looking for some financial assistance for maintenance as they plan for the Club's 100th anniversary and asked who Ms. Miles can contact regarding grants or funding sources. Mr. Knight suggested she contact Peter Moore, Division Director Office of Management and Budget.

13. Summary of Meeting Actions

- Provide commission with budget presentations from today's work session and those scheduled for the July 20th work session. July 20th work session schedule: first 30 minutes Q&A from July 8th presentations.
- Cancel City Attorney RFP, bring one-year contract extension to commission for approval
- Place revised resolution on governance on next agenda.
- Schedule work session to discuss park at Progress Point, greenway concept, scope of service, and potential grant. Invite Bob Bendick, Steve Goldman, Larry Adams, and Jim Huckaba to attend.

- Provide Orange Avenue parking survey questions to Commission.
- Provide list of invitees to the July 9th work session that was canceled.
- Place on future agenda moving the Farmers Market to West Meadow.
- Place on future agenda discussion of 100% renewal energy.
- Place on future agenda discussion on incentives/rebates to lawn maintenance companies for moving to battery-powered equipment.
- Receive final input from Commission Library and Events Center Audit and send to Commission.
- Obtain e-mails of property/business owners within the OAO from GIS consultant.
- Provide a list of open/frozen positions to Commission.
- Continue to pursue purchase of Fairbanks Avenue properties for roadway improvements.
- Provide an update on boat house regulations.
- Place update on fiber and high-speed internet on upcoming agenda.

The meeting adjourned at 7:37 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Rene Cranis