CITY OF APOPKA

Minutes of the regular City Council meeting held on June 5, 2019, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Bryan Nelson
Commissioner Doug Bankson
Commissioner Kyle Becker
Commissioner Alexander Smith
Commissioner Alice Nolan
City Attorney Joseph Byrd
City Administrator Edward Bass

PRESS PRESENT: John Peery – The Apopka Chief

INVOCATION: - Mayor Nelson called on Pastor David Schorejs, First Baptist Church of Apopka, to give the invocation.

PLEDGE OF ALLEGIANCE: Mayor Nelson introduced Joshua Soriano, Apopka High School graduate and student in the Apopka Youth Works Program to lead in the Pledge. He said June 6, 1944 was the day that the Allied powers crossed the English Channel and landed on the beaches of Normandy, France, beginning the liberation of Western Europe from Nazi control during World War II. The morning of June 5, 1944, U.S. General Dwight D. Eisenhower, the commander of Allied forces in Europe gave the go-ahead for Operation Overlord, the largest amphibious military operation in history. By day's end on June 6, 1944, 155,000 Allied troops – Americans, British, and Canadians, had successfully stormed Normandy's beaches.

APPROVAL OF MINUTES:

1. City Council regular meeting May 15, 2019.
   MOTION by Commissioner Nolan, seconded by Commissioner Bankson to approve the minutes of May 15, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

AGENDA REVIEW – City Administrator Bass advised Item #3 from the Consent Agenda has been pulled. In addition, Ordinance No. 2725 has been pulled from Public Hearings.

PROCLAMATIONS:

1. Mayor Nelson read a Proclamation recognizing Code Enforcement Officers Appreciation Week and presented it to Captain Jerome Miller and Staff of the Apopka Police Department Code Enforcement Division.

Vice Mayor Bankson advised Mayor Nelson had to leave the meeting to introduce guests to the Apopka Youth Works program.

PRESENTATIONS:

1. UCF Incubator various programs that will be launched in July
   Jim Hitt, Community Development Director said approximately seven months ago the UCF Incubator went through some changes. With the advent of bringing in the City Center and road improvements, UCF Incubator moved to 205 North Park Avenue, which is just north of the old hospital; and generously provided by Advent Health. He advised there is new signage both on the building and a monument sign outside the new location. He introduced Rick Parks who is the Director of the UCF Incubator and Jerry Ross who is the President of National Entrepreneur Center.

   Rick Parks, UCF Incubator Director said as Mr. Hitt mentioned, eight months ago they talked about what they wanted to do to expand their services from UCF in conjunction with the City of Apopka to the broader business community. He said Mr. Hitt went over the five steps and Mr. Ross would discuss how they are leveraging their partnership with UCF. He said the new office of Partnerships and Innovation has changed everything for them and will bring many great things to the city. He said that he was part of the Chamber Board, but also part of the Economic Development Committee. They have started collaborating with the Chamber on evening educational programs. He said they are in a position now to go after and seek EDA funding. At this time, it is up to the city to determine whether they want to build a new building or renovate a building and the EDA is in a position to fund up to 50%. He stated they have managed to get some commitment from Orange County.

   Jerry Ross, President of National Entrepreneur Center thanked the Council for the opportunity to discuss and share the changes at UCF and part of the entrepreneur eco-system. He said in 2003 the Entrepreneur Center started to work on putting resources together to help small businesses grow all in one location and by 2007 Central Florida was named one of the top places in the country to start and grow a small business. He affirmed that last year the organizations at the Entrepreneur Center coached and trained over 15,000 business people face to face and connected with over 200,000 business people. When Dr. Seymour was appointed to run the Office of Partnerships and Innovation they started meeting to determine how to take this collaborative efficiency and spread it through the region. He stated UCF was supporting the small business development centers and they are looking to mold that as part of the Entrepreneur Center, the four regional Incubators, and the Grow FL program will all be aligned. They will now be able to bring all of these resources to Apopka to serve the small businesses of the region.

   Mayor Nelson returned to the meeting at 1:50 p.m.

2. Pine Tree Replacement Presentation Concept Plan Staff Report and Map
   Brian Foreman, Parks and Recreation Director said on April 3, 2019, the Council approved the removal of the Pine trees at Northwest and Jason Dwelley Parkway. He reviewed the plan of replacement tree concept plan pointing out the trees will be planted in phases with priorities of a buffer between Rock Springs Ridge and Jason Dwelley Parkway. He reviewed the map and showed replacement of Cypress trees for the buffer, Magnolia trees in the park, and Oak trees around the pond. He declared it would take 10-years for the trees to look substantial. The tree removal will not start before June 17, 2019. They have been asked to complete the work within the park by August 2, 2019, and full removal of pine trees to be completed before Thanksgiving.

PUBLIC COMMENT:
David Hoffman, Rock Springs Ridge, said he had a few questions pertaining to building plans for the community. He said looking at the circumstances around Mr. Delarosa's plan to build 244 new and smaller homes on what was the south nine of Rock Springs Ridge Golf Course submitted on March 1, 2019, he asked if it was fair to say the PUD now in place would offer no allowance for this plan to be approved by the City. Secondly, he said if Mr. Delarosa's current plan was denied, could he simply not petition the City to reopen the Rock Springs Ridge PUD and allow for greater residential home density. He asked if the current Comprehensive Plan featured provisions for this type of application and if submitted, would city officials be compelled to act upon it. He asked how the Comprehensive Plan language pertaining to this kind of PUD alteration changed over the past 5-years. He further asked how far along was Mr. Delarosa's plan in the vetting process managed by the Planning Commission and how would residents know of any changes.

CONSENT

1. Approve acceptance of EMS week donations from Orlando Health and Central Florida Regional.
2. Authorize the Police Chief to renew traffic enforcement agreement with Breckenridge Landowners Association, Inc.
3. ~~Authorize execution of a contract with Granite Inliner, LLC, in the amount of $130,830, to install 3,330 linear feet of inliner for the existing sanitary gravity sewer line along North Park Avenue~~. WITHDRAWN
4. Authorize the issuance of blanket purchase orders.

MOTION by Commissioner Becker, and seconded by Commissioner Nolan, to approve Items 1, 2, and 4 on the Consent Agenda. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Nolan, and Smith voting aye.

BUSINESS

1. Designate an official voting delegate for the Florida League of Cities.
   City Administrator Bass advised Council needed to designate a voting delegate for the Florida League of Cities Conference in August.

   MOTION by Commissioner Bankson, and seconded by Commissioner Becker to designate Commissioner Smith as the voting delegate for the Florida League of Cities Conference in August. Motion carried unanimously with Mayor Nelson, Commissioners Bankson, Becker, Nolan, and Smith voting aye.

2. Authorize the City Administrator to execute the Second Amendment to the Memorandum of Agreement between St. Johns River Water Management District and City of Apopka for conveyance of the Golden Gem Road Property.
   Kevin Becotte, Public Services Director said Susan Davis with SJRWMD was present and thanked the SJRWMD for their cooperation on this project. He stated on May 15, 2009 the City and SJRWMD entered into a Memorandum of Agreement for the Golden Gem property being conveyed to the City with the condition we would build a reclaimed water reservoir as well as a pumping station. The second amendment allows extending the agreement to May 2022.

Susan Davis, SJRWMD, said they full support this project and they have a great working relationship with the City. She stated she was present to answer any questions.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to approve the Second Amendment to the Memorandum of Agreement between St. Johns River Water Management District and City of Apopka for conveyance of the Golden Gem Road property. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Approve Right-of-Way transfer and continuing maintenance agreement between the Central Florida Expressway Authority and the City of Apopka pertaining to Kelly Park Road, Yothers Road and Joshua Ridge Lane.
   Mr. Becotte said this was a jurisdictional public right-of-way transfer and continuing maintenance agreement as a result of the construction of Wekiva Parkway. Now that the construction of the Wekiva Parkway has been completed, CFX and the City would like to transfer portions of road right-of-way of Kelly Park Road, Yothers Road and Joshua Ridge Lane. The City would assume responsibility for maintenance and liability for the local road right-of-way and CFX would assume responsibility for maintenance and liability of the Expressway System.

   MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to approve the ROW transfer and continuing maintenance agreement with CFX pertaining to Kelly Park Road, Yothers Road, and Joshua Ridge Lane. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

4. Preliminary Development Plan – Country Crossing Estates
   Project: Holston Properties and Development, LLC
   Location: 2580 Vick Road
   Bobby Howell, Senior Planner reviewed the Preliminary Development Plan for Country Crossing Estates stating the proposed development includes 22 single-family homes and showed the location on a vicinity map. He said the property is a PUD by Ordinance 2364 and accessed by Mt. Logan Drive through the Spring Ridge subdivision. Mt. Logan Drive will extend into the subdivision and end in a cul-de-sac. A minimum livable area will be 1,700 square feet. Consistent with Ordinance 2364, lots 4-11 are a minimum of 85-feet in width and the minimum lot width of 75-feet are provided for the remaining portions of the subdivision. The property is surrounded on all sides by residential uses and the Land Development Code does not require a buffer. A preliminary landscape plan details the addition of street trees and perimeter landscaping on the property. DRC and Planning Commission recommend approval.

   Bob Holston, Holston Development said they concur with staff and the Planning Commission. He said Jim Fraser, P.E. was with him to answer any questions.

   In response to Commissioner Becker regarding the easement on property, Mr. Holston said they would maintain this easement.

   Mayor Nelson opened the public hearing.
   Rod Olsen inquired how many homes would be, to which Mr. Howell advised the property was approximately 7.5 acres and there would be 22 homes.

No one else wishing to speak, Mayor Nelson closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve the Country Crossing Estates Preliminary Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. Final Development Plan – Mid-Florida Logistics Park, Lot 5
   Project: Mid-Florida Freezer Warehouses, Ltd.
   Location: West side of SR 429 and south of Peterson Road (Lot 5, Mid-Florida Logistics Park subdivision)

   MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the Mid Florida Logistics Park, Lot 5 Final Development Plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.
   Mr. Howell provided a brief lead-in for the Final Development Plan (FDP), Mid-Florida Logistics Park, Lot 5 stating this is a request for the approval of the FDP for Lot 5 of Mid-Florida Logistics Park that details the construction of a 379,000 sq. ft. industrial warehouse building in two phases. The surrounding areas are primarily industrial in nature. Access is via Shelby Industrial Drive. The first phase is Building 5-A, 289,000 sq. ft. building is proposed to be constructed upon approval of the FDP. Building 5-B, 90,000 sq. ft. building is proposed to be constructed at a later date. All elements of the FDP are consistent with the approved PUD Master Plan, except for a request in the reduction of the required amount of parking that is provided onsite. The applicant is requesting approval of a deferred parking plan in accordance with LDC Section 6.03.02.D to allow a total of 97 parking spaces to be provided upon construction of Building 5-A. The tenant will have a small amount of employees, thus negating the need for the full amount of required amount of onsite parking. The recommendation is to approve the FDP for Mid-Florida Logistics, Lot 5. DRC and Planning Commission recommend approval.

   Bruce Taylor, Dave Schmitt Engineering said he was present to answer any questions.

   Mayor Nelson opened the meeting to public hearing. No one wishing to speak he closed the public hearing.

   MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the Mid-Florida Logistics, Lot 5 FDP. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. Final Development Plan – Spegal Properties (Lake Gem Lots 4 & 5)
   Project: Property Industrial Enterprises, LLC c/o Michael R. Cooper
   Location: 551 and 501 Gem Commerce Court
   Jean Sanchez, Planner said this is a request to approve the Spegal Properties (Lake Gem Lots 4 & 5) Final Development Plan (FDP). Both lots are within the Industrial Park Lake Gem Commerce Center. She reviewed the location on an aerial map. The proposed building is 18,000 sq. ft. and 38 feet in height. The PUD allows for buildings in this industrial park a maximum of 50 feet in height. Ingress/egress will be via Marshall Lake Road. There will be

76 parking spaces provided, including two ADA compliant spaces while only 42 spaces are required. She reviewed the landscape plan. She advised a set of conditions prepared by DRC and recommended by the Planning Commission were part of the motion at the May 14, 2019, meeting. Following that meeting the applicant met with staff and resubmitted Site Plan sheet S-1 to address conditions of approval. DRC recommends approval of the Spegal Property FDP subject to the findings of the staff report. Planning Commission recommended approval subject to the findings of the staff report and the applicant addressed these satisfactorily with the submission of sheet S-1. The recommended motion is to approve the FDP subject to the findings of the staff report.

Michael Cooper, Property Industrial Enterprises was present to answer any questions.

Mayor Nelson opened the public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Smith to approve the Spegal Properties (Lake Gem Lots 4 & 5) Final Development Plan subject to the staff report. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

7. Road Closure – North McGee Avenue
   Project: City Center Off-Site Roadway Improvements Project
   Location: North McGee Avenue from Main Street/U.S. 441 to the north side of the gas station on the northwest corner of the intersection
   Pam Richmond, Transportation Planner said this request is part of the City Center off-site roadway improvements and includes installing a signal at the intersection of McGee and Main Street. The request is to approve the road closure for June 10 & 11, 2019 between 7:00 a.m. and 5:30 p.m. Police, Fire, and Public Services have been informed of the proposed road closure.

   MOTION by Commissioner Nolan, and seconded by Commissioner Bankson to approve North McGee Avenue Road Closure from June 10 – 11, 2019 from 7:00 a.m. to 5:30 p.m. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

8. Road Closure –West Martin Street
   Project: West Martin Street Improvement project
   Location: West Martin Street between Vick Road and the southwest entrance to Apopka High School
   Kevin Becotte, Public Services Director said the City has entered into an Agreement with Stage Door II, Inc. for realignment of Martin Street, which is essential for the traffic light signalization of the intersection of Vick Road and Martin Street. This swill improve traffic and pedestrian safety near Apopka High School. The request is to approve road closure of Martin Street from Vick Road to the southwest entrance of Apopka High School from June 6 through August 2, 2019.

   MOTION by Commissioner Nolan, and seconded by Commissioner Smith to approve the West Martin Street road closure between Vick Road and the southwest entrance to

Apopka High School from June 6, through August 2, 2019. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION

1. Ordinance No. 2726 – First Reading – Annexation
   Project: City of Apopka – Location – North of Lust Road and west of SR 429
   The City Clerk read the title as follows:

ORDINANCE NO. 2726

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO SECTION 171.044, FLORIDA STATUTES, THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CITY OF APOPKA; GENERALLY LOCATED NORTH OF LUST ROAD AND WEST OF SR 429; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

James Hitt, Community Development Director advised there have been no changes since the first reading.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Becker, to adopt Ordinance No. 2726. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Nolan and Smith voting aye.

2. Ordinance No. 2724 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment From "County" Rural to "City" Mixed Use Interchange
   Project: Foremostco, Inc.
   Location: 4550 Golden Gem Road. The City Clerk read the title as follows:

ORDINANCE NO. 2724

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING THE FUTURE LAND USE ELEMENT OF THE APOPKA COMPREHENSIVE PLAN OF THE CITY OF APOPKA; CHANGING THE FUTURE LAND USE DESIGNATION FROM "COUNTY" RURAL TO "CITY" MISSED USE – INTERCHANGE FOR CERTAIN REAL PROPERTY GENERALLY LOCATED WEST OF GOLDEN GEM ROAD AND SOUTH OF W. KELLY PARK ROAD, OWNED BY FOREMOSTCO, INC.; COMPRISING 35.56 ACRES, MORE OR LESS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

Phil Martinez, Planner, reviewed the project stating the applicant is proposing a large-scale future land use amendment from "County" Rural to "City" Mixed Use Interchange for approximately 35.56 acres. He reviewed the location of the subject property on a map stating it is located in the Wekiva Parkway Interchange Vision Plan. He reviewed the surrounding land uses and current zoning, advising the zoning application will be brought to Council at a later date. DRC and Planning Commission recommend approval. The recommended motion is to accept the first reading of Ordinance No. 2724 and authorize transmittal to the Florida Department of Economic Opportunity.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan to approve Ordinance 2724 at first reading and authorize transmittal to the Florida Department of Economic Opportunity. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. ~~**Ordinance No. 2725 – First Reading - Comprehensive Plan – Large Scale – Future Land Use Amendment From "County" Rural to "City" Mixed Use Interchange**~~
~~**Project: Dennis R. Klepzig & Joann M. Klepzig, Co-trustees Klepzig Family Trust**~~
~~**Location: East of S.R. 429 and south of West Kelly Park Road**~~
ITEM WITHDRAWN

4. **Ordinance No. 2728 – First Reading – Annexation – Public Right-of-Way – Pittman Road. - Project: Orange County Board of County Commissioners**
Location: North of West Ponkan Rd., west of Mt. Sterling Ave.
The City Clerk read the title as follows:

ORDINANCE NO. 2728

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATURE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS PITTMAN ROAD, SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, AND COMPRISED OF APPROXIMATELY 5.5 ACRES; OWNED BY <u>ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS;</u> PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mr. Martinez reviewed the location on a map and advised this is annexation of a road right-of-way that will result to a change of ownership from Orange County Board of County Commissioners to the City of Apopka. The recommendation is to approve at first reading and carry over for a second reading and adoption.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Smith, and seconded by Commissioner Nolan, to approve Ordinance No. 2728 at first reading and carry it over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

5. **Ordinance No. 2729 – First Reading – Annexation – Public Right-of-Way – Sorrento Avenue. - Project: Orange County Board of County Commissioners**
   Location: West of Plymouth Sorrento Road, east of S.R. 429.
   The City Clerk read the title as follows:

ORDINANCE NO. 2729

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATURE 171.044 THE HEREINAFTER DESCRIBED PUBLIC RIGHT-OF-WAY KNOWN AS SORRENTO AVENUE, SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, AND COMPRISED OF APPROXIMATELY 1.37 ACRES; OWNED BY ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

Mr. Martinez reviewed the location on a map and advised this is annexation of a road right-of-way that will result to a change of ownership from Orange County Board of County Commissioners to the City of Apopka. The recommendation is to approve at first reading and carry over for a second reading and adoption.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve Ordinance No. 2729 at first reading and carry it over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

6. **Resolution 2019-12 - FY18/19 Budget Amendment**
   The City Clerk read the title as follows:

RESOLUTION NO. 2019-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019, PROVIDING FOR A BUDGET AMENDMENT.

Jamie Roberson reviewed the budget amendment and explained this expenditure was the final payment for a leased Kubota Tractor for three years beginning January 23, 2017. This was not a budgeted item and will need to come from the general fund reserves.

Mayor Nelson opened the meeting to a public hearing. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to approve Resolution No. 2019-12. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

In response to Mayor Nelson asking Ms. Roberson to provide an update of where we are with the audit, she said Finance staff was in the process of working with the auditors and they are working on producing financial statements for review. She declared in a year period they have not been able to discover everything and they are researching and working to meet the statutorily requirement of June 30, 2019. She advised there would be some comments that will require attention and correction.

City Administrator Bass added that he made a commitment to the Council when he came on board and he will say again, staff is working with the auditors and doing a remarkable job with getting everything inline. He said his goal is to come back to Council prior to budget discussions with actual financials and share what budget adjustments have been made.

CITY COUNCIL REPORTS
Commissioner Nolan reported she attended a Pre-K graduation and they were very appreciative.

Commissioner Bankson reported he attended the Orlando-Apopka Airport Associate meeting last evening. He stated there was some positive motion there and said there has been some confusion in records going back and the effort is to work together.

Commissioner Bankson said the Governor went to Israel and they had a luncheon with the Chamber and able to connect with him to work on the Central Florida connection.

Commissioner Smith reported he serves on the Board of County Commission Agriculture Advisory Board. He provide Council with a handout on the Cottage Food Operations, stating an ordinance was passed by the County where individual homeowners can sell items such as cakes, pies, or items not requiring refrigeration out of their residence. He asked the City of Apopka consider the same type of ordinance.

Commissioner Becker reminded of the Orange County School Board workshop in June 18, 2019, and he planned on attending. He inquired if any of our items made it through the state budget.

Mayor Nelson said there was another 10-days before the Governor receives the budget.

City Attorney Bass advised that Public Notice has been posted for the OCPS workshop.

CITY ADMINISTRATOR'S REPORT – No report.

CITY ATTORNEY'S REPORT
City Attorney Byrd made a request for advice from the City Council to discuss strategy related to pending litigation in Case No. 6:19-cs-869-ORL-31-DCI and a case recently filed in the Ninth

Judicial Circuit, Orange County, Florida. This meeting will be conducted in accordance with Florida Statutes 286.011(8).

The following persons will attend: The Members of the City of Apopka Council - Mayor Bryan Nelson, Commissioners Doug Bankson, Kyle Becker, Alexander Smith, and Alice Nolan will meet in closed session with the City Attorney, Joseph Byrd, and Edward Bass, City Administrator.

RECESS PUBLIC MEETING AND COMMENCE CLOSED SESSION.
Mayor Nelson recessed the public meeting and Council went into Closed Session at 3:02 p.m. He said the estimated length of time for the closed session is thirty (30) minutes.

RECONVENE PUBLIC MEETING AND ANNOUNCE TERMINATION OF CLOSED SESSION.
Mayor Nelson reconvened the public meeting at 3:31 p.m. and announced the Closed Session adjourned.

POTENTIAL DISCUSSION AND ACTION ON MATTERS RELATING TO CLOSED SESSION WILL OCCUR DURING THE REGULAR PUBLIC MEETING.

2. Report on ADA lawsuit

City Attorney Byrd provided an update regarding the ADA lawsuit where the City had received a letter from Joel Price who has been a plaintiff in various suits across the State of Florida, regarding the City's website not being ADA compatible. Mr. Byrd said the City has worked to produce everything we could and expended money for this purpose. We were served a complaint where Mr. Price has sued the City. PRM, the carrier for the City assigned Roper and Roper to defend the City and we will be filing a motion to dismiss. He advised Roper and Roper has had success in having a case dismissed in Longboat Key and also another firm had a case dismissed in Ocala.

City Attorney Byrd affirmed that Robert Hippler, IT Director, and his staff have worked with employees and brought in a firm to train how to create documents and remediate documents so that they are screen readable.

3. Fire Department agreement

City Attorney Byrd said a matter discussed in the closed session is about a suit he filed this morning in the ninth judicial circuit court of Orange County on City of Apopka vs NEB Group, David Sulik and 3 Rivers Billing Company. He stated this is the company that has been doing the billing for our EMS transportation. He advised the EMS Coordinator has discovered there were irregularities as well as other issues. He said upon learning this, he immediately advised to severe our relationship with NEB. He advised the complaint was an eight count complaint, they will be served, and the litigation will be ongoing.

City Attorney Byrd said that since we needed to severe this, and the City cannot go long without an EMS billing company. He stated we needed to look through and find a company that can provide those services with specialized knowledge and Captain Sanchez has familiarized himself thoroughly with various companies, as well as regulations and laws. He has recently gone through some training as well. He will be presenting Council with information of what staff believes to be a better company in providing these services. He affirmed that due to the

sensitivity of this matter is why Council was not provided documentation on Friday with the agenda packets.

Captain Sanchez handed out a packet of information to Council with staff's recommendation and information on the companies reviewed during this process. He stated that with the issues we have had with the other company, we have researched other companies that provide EMS billing services. He said staff desired to stay local within the State of Florida. In the research, it was narrowed down to three companies and of these, one company provided all that they were looking for, such as a lower rate and education. Key factors come down to compliance, regulation, and education to meet criteria to properly submit codes. He explained that the only time there is revenue collected is if an individual is transported to a hospital. The recommendation is to authorize staff to move forward with the selection of EMS Billing Contractor Change Healthcare. This would be a 1-year term piggyback contract of the City of Lauderhill's contract with Change Healthcare with the billing of 5.5% net received, which is less than the budgeted amount.

In response to Commissioner Becker regarding who has reviewed this, Captain Sanchez advised himself, City Administrator Bass, City Attorney Byrd, Finance Director Roberson, and procurement staff.

City Administrator Bass advised the purchasing policy allows Council to make any kind of emergency decision, or allows them to override any procurement process. He stated he wanted to make sure staff was doing their due diligence with this change making sure we are receiving the best in moving forward. The contract is exact to the Lauderhill contract being piggybacked.

Mayor Nelson affirmed that the City Attorney Byrd, City Administrator Bass, Captain Sanchez, and Finance Director Roberson have no financial interests or any relationships with this company.

Discussion ensued regarding the fees associated with this contract being a lesser percentage than what has been charged by NEB.

In response to Commissioner Smith, City Attorney Byrd confirmed this was a 1-year contract, not a 3-year contract. He added that there is an automatic renewal clause that allows us to continue.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith to authorize staff to move forward with Change Healthcare for EMS billing.

Commissioner Becker declared the City has had the same vendor for 12-years and he would like the opportunity for 12 more days to review this material prior to voting.

Motion carried 4-1 with Mayor Nelson, and Commissioners Bankson, Smith, and Nolan voting aye, and Commissioner Becker voting nay.

MAYOR'S REPORT – No report.

ADJOURNMENT: There being no further business the meeting adjourned at 4:11 p.m.

ATTEST: _____
Bryan Nelson, Mayor

_____
Linda F. Goff, City Clerk