CITY OF APOPKA

Minutes of the City Council regular meeting held on June 2, 2021 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 Diane Velazquez
City Administrator Edward Bass
City Attorney Michael Rodriguez

PRESS PRESENT: John Peery – The Apopka Chief

INVOCATION/PLEDGE – Commissioner Bankson provided the invocation.

John Latimer led in the Pledge of Allegiance and provided the fact of the day, as follows: On June 2, 1865, the Civil War ended with Confederate General Edmund Kirby Smith, commander of Confederate forces west of the Mississippi, signing the surrender terms offered by Union negotiators. With Smith's surrender, the last Confederate army ceased to exist, bringing a formal end to the bloodiest four years in U.S. history.

APPROVAL OF MINUTES

1. Regular City Council Meeting Minutes of May 19, 2021.

   Mayor Nelson said everyone should have a copy of the revised minutes and asked if anyone had any other changes or questions regarding. Hearing none, he asked for a motion to approve the Meeting Minutes of 5/19/21.

   MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve the Meeting Minutes of 05/19/21. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

PRESENTATIONS

1. Apopka Youth Council Final Project
   Presented by: Dr. Shakenya Harris – Jackson

Dr. Shakenya Harris – Jackson, presented the graduating Seniors and said our students have worked hard on putting together a short video to share with you but before running the video, she said many of them have been with her for the past two years and will be greatly missed. She then introduced John Rassel, the Salutatorian of Wekiva High School, who presented the video entitled

"The 10 Things We Love About Apopka and the Community". The video played and applause ensued.

Mayor Nelson asked if anyone wanted to come forward and tell us about your experience and what you enjoyed and was the most memorable.

Roggernsy Jacotin, graduate from Wekiva High School, said the most memorable aspect for him was learning about the Council and what it means to be a part of Apopka and learning about the history of Apopka. He said though this program and process, he's learned so much about Apopka and has a real love for it.

John Latimer, III, graduate from Apopka High School said his favorite thing was learning about everything in Apopka and what you all do as a whole for us, behind the scenes. He said also, Dr. Jackson is not just our sponsor, she is a Mentor to us as well and has guided us through things in life and making us be a part of the City as well.

Mayor Nelson thanked the AYW and Dr. Jackson for a great program and said we continue to move forward with this program and look forward to a new fresh crop of Juniors and Seniors, next year.

2. Best Foot Forward Program
   Presented by: Emily Hanna, AICP, CPM, Executive Director, Bike/Walk Central Florida

Emily Hanna, the Executive Director of Bike/Walk Central Florida and said today, she's here to talk to you about one of our programs, "Best Foot Forward". She said before she begins, she wanted to tell you why she's here and said it's not a great thing. She said unfortunately, she's here today because Central Florida is one of the most dangerous places for people to walk and bike. She said historically, since 2009, we're ranked #1 or in the top 5 of a national study called "Dangerous by Design", and said unfortunately, that's not a place that Orlando and Central Florida want to be #1 at. She said we need to move the needle and that's what this program is here to do. She said part of the reason we're so dangerous has to do with us, as drivers. She said we're often distracted now a days with technology and signage and the kids fighting in the back seat and we often don't pay attention to what's around us as we drive. She said we also often carelessly walk as well and said often times the pedestrian will follow the path of least resistance and walk from one point to the other as fast as they can. She said we don't build places for people to walk, rather we build places to drive which leads into her third point which is careless design. She said we've taken the last 50 years and have really designed our communities for the vehicle and not for the people that truly live in those neighborhoods. She said we'd like to change this and that's what we're doing today with Bike/Walk Central Florida. She said this is a non-profit advocacy organization that administers the Best Foot Forward program on behalf of its coalition partners, and is funded primarily through MetroPlan Orlando. She said we do have another advocacy tool called Bike Five Cities and said this is an annual bicycle ride that they host along trails and safe streets throughout five cities in Central Florida to really showcase where people can comfortably get out in their community on foot or on bike and explore new areas. She said we needed a cohesive pastoring safety message when that second "Dangerous by Design" came out in 2011 so the Orlando Region, MetroPlan Orlando and the City of Orlando and Orange County put their heads together and formed the Best Foot Forward coalition in 2012. She said that coalition expanded into Osceola County in 2017 and in Seminole County in 2019. She stated that to date, we are one of the largest safety coalitions in the Country. She said we do this by reviewing our roadways and how we educate drivers on the driver yield law and pedestrian safety through a 4-E approach, which is through Education, Engineering, Enforcement and Evaluation. She said we evaluate the crosswalks by collecting driver yield rate data and depending on whether that driver yields to the pedestrian or not, is how we collect our yield rates. She said we partner through our Media to get the word out and showed a short clip. She said to date, the program has been around since 2012 so they've educated roughly 10,000 drivers and have done close to 500 enforcement details where we're done crosswalk enforcements. She said they've monitored close to 200 crosswalks and have completed 606 presentations and events, educating on pedestrian safety. She provided that we can get involved by participating and inviting them to come speak at our Community Events; Rotary Clubs; HOA's and let us come to your events and share our message. In addition, by supporting projects and developments that encourage walking and biking and through supporting policies that have those types of elements in place and support the infrastructure that's necessary to get people out. She thanked the Council and said she will be happy to answer any questions you may have.

Commissioner Velazquez asked if this is a program they'd like to bring to Apopka to which Emily responded absolutely. She said she would support and embrace this program as we have so many schools that are by busy intersections.

Commissioner Bankson said he thinks it's great to bring awareness to it and said he's curious as to the data and asked if we have a higher number around the theme park region or is it even across the board to which Emily responded it has to do with the roadway itself, the speed of the facility and the number of lanes.

Commissioner Smith said he would love to see this come to the City of Apopka and he will also support this program. He said we should educate our residents as well. He said once you identify the dangerous intersection, does the program provide the signage necessary in order to change those habits?

Emily responded that is done through your Public Works Department as they know the roads better than anyone so we work through them and let them know so they can make those recommendations. If there's a funding issue, she said we can work with the City to find the funds.

Commissioner Becker said he would venture to guess that a good portion of our pedestrian fatalities due to vehicular reasons, happen outside of the formal crosswalks. He asked how they assess the natural behaviors of people, knowing that's the issue. He said he would venture to say that maybe 10% of the people that cross the street at 441 use that beautiful crosswalk bridge.

Emily said they look at the roadways and facilities throughout the community regarding how big they are, how fast do they move traffic and are they truck route, are they neighborhood streets and said there's different context for every road way. She said then we look at the data and see where people are going and where the points of interest are located and the destinations. She said that's why we like to do the community events to hear from the residents and do the boots on the ground type work to your staff.

Mayor Nelson thanked Emily and said that the cost for the City of Apopka is roughly $5,000 and said Pam may want to put this in her budget. He said he had an experience back when he was a Commissioner and said we were on Pine Hills Road and said we had a plain clothes officer making the trip across Pine Hills Road and said it was very disturbing how few people stopped.

3. Rock Springs Road and West Orange Trail Studies Briefing
   Presented by: Lara Bouck, MetroPlan Orlando and Amy Sirmans, VHB

   Pam Richmond said we've been trying to fix the intersection of Rock Springs Road and Welch Road for over 4 years and said it's incredibly large fix and extends well beyond the intersection. She said in talking with our partners at MetroPlan and our partners at Orange County as that road is half their problem, she said MetroPlan stepped up and is funding a study that we're doing. She said it's a complete street study and also incorporates the West Orange Trail. She said MetroPlan gave us their A-Team. She said our project manager from MetroPlan is Laura Bouck and their consultant project manager is Amy Sirmans, of VHB. She said they'll be doing a presentation this evening and said that also on the team is Taylor Lawrence and said this is all compliments of Nick Lepp, who is the Director of Transportation at MetroPlan and said this is a partnership with Orange County and their counterpart at Orange County is Brian Sanders and said she doesn't do anything without consulting Brian and vice-versa. She said they're going to come up and show you where they're at now and where we're going with the project. They provided a short presentation and went over the study schedule and said they're early in the project but are open to questions.

   Commissioner Becker said on your chart, it will be the end of 2022 before anything's even on paper and asked what that does in terms of execution.

   Amy said that following the study phase there would need to be a design phase which is typically a few years, depending on the funding. She said the intent is that everything they do is within existing ROW which will move things quicker.

   Mayor Nelson said that the one thing we asked them during our initial meeting is to wait on the traffic studies until after the new Publix opens as this may change the traffic patterns as people on the West side of Lester may go that direction for their groceries. He said that will be after school starts this Fall.

AGENDA REVIEW

Edward Bass, City Administrator, said we would like to change the order of the Resolutions and put 2021-28 (item #11 – item #4) at the beginning of the resolutions as the

Resolutions from 2021-22-2021-29 are all related to the CDBG.

CONSENT (Action Item)

1. Approve the second amendment to the school concurrency mitigation agreement for the Ponkan Reserve Subdivision
2. Authorize the Police Department to submit an application to receive JAGC program grant funding to purchase mobile rapid identification fingerprint scanners for the Patrol Services Division.
3. Award a contract for ITB 2021-06: Kelly Park Rd. construction of a water main & sewer force main.
4. Accept capital asset donation of a VX700 Ventilator with a Custom Trailer to be used by the Fire Department.

   Mayor Nelson asked if anyone needed to pull any of the items or had any questions. Hearing none, he asked for a motion to approve the four (4) items on consent.

   MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve the four (4) items on consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Major Development Plan – Coke Property
   Owner: PMDW Ventures, LLC
   Applicant: GL Summit Engineering, Inc. c/o Geoffrey L. Summit, P.E.
   Location: 2600 and 2610 Peterson Road
   Project: 41.85 +/- acres
   Project Manager: Jean Sanchez

   Jean Sanchez said this is a request to approve the Coke Property Subdivision and Major Development Plan. She said the property is located East of SR 429; South of Peterson Road and West of Grand Avian Parkway, and is approximately 41.85 acres. She said the aerial of the property shows it's currently vacant and surrounded by residential and agricultural facilities. She said this project proposes a development of 58 single-family detached homes and 142 townhome units. She said based upon the zoning district, the applicant is required to provide 8.32 acres of open space. She said the Major Development Plan reserves a total of 13.06 acres for open space and recreation. She said onsite amenities include a pool, cabana and an existing 11' wide trail along Grand Avian Parkway.

Commissioner Becker asked about where it states that the project impacts do not create new deficiencies to the roadway network however, the developer has agreed to participate in an agreement to participate in an agreement to make improvements to King Street and Peterson Street. He said he wanted to understand the details surrounding that as well as the timing.

Pam Richmond said they're not creating any deficiencies, they're deficiencies that exist already. She said if they were to wait on us to make the fixes to the road, it would take several years. He said directly to the North on Peterson Road, there is another industrial project and they're going to combine their resources and instead of paying their impact fees directly to the City, they'll get impact fee credits for fixing Peterson Road and King Street. She said they can do it faster and cheaper than we can.

Commissioner Becker said that he wants assurances that Peterson and King will be done in the short term, rather than the long term as that road is not suitable for the volume that will be coming in.

Pam said they won't be completely finished before the road is completed and said that the agreement is being drafted and may be tied to their CO's. She stated that the agreement will come before you when it's ready.

Commissioner Bankson said he had a similar question and said as we continue to advocate to our counter-part, Orange County, we should address this before it becomes an issue.

Mayor Nelson asked if anyone had any questions on this item or if anyone from the Public wanted to speak on this item. Hearing none, he asked for a motion to approve the Major Development Plan for the Coke Property.

MOTION by Commissioner Smith and seconded by Commissioner Bankson, to approve the Major Development Plan for the Coke Property. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Award a contract for RFQ 2021-05: Pavement Condition Assessment.
   Presented by: Edward Bass

   Edward Bass said the item before you are the Pavement Condition Assessment for RFQ-2021-05 and said the ratification of the bid protest period was authorized to allow for a firm to submit beyond the initial 72 hours provided in our purchasing policy. He said no formal bid protest was submitted as of the deadline on Friday, May 21, 2021. He said with that staff is recommending approval to negotiate rates with the highest scored firm, which was Infrastructure Management Services, LLC., in accordance with Florida Statute 287.055.

Commissioner Becker asked if we can gleam some expertise from how to grade our own pavement and assess and prioritize this ourselves to which Edward said that we can look into it but these are experts and we don't have anyone qualified to do this on staff.

Mayor Nelson said this will assessment will give us approximately 10 years and consider traffic for industrial versus neighborhood roads as far as replacement recommendation.

Mayor Nelson asked if anyone had any questions on this item or if anyone from the Public wanted to speak on this item. Hearing none, he asked for a motion to award the contract for RFQ 2021-05: Pavement Condition Assessment.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez, to award the contract for RFQ 2021-05: Pavement Condition Assessment. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Reimbursement of Legal Fees and cost for Commissioner Alexander Smith, RE: Florida Commission on Ethics, Complaint No. 20-101
Presented by: Michael Rodriguez

Michael Rodriguez said on June 22, 2020, a complaint was filed alleging certain wrongdoings on the part of Commissioner Smith. He said the complaint was investigated by the Florida Commission on Ethics and last April, the Commission ruled that there was no probable cause for each item in which there was an allegation of wrongdoing. He said a Commissioner is entitled to reimbursement and costs in defending a Commission on Ethics charge, if the two-prong test is met and evaluated by the Council in order for the reimbursements to be approved. He said the two-prong test is (1) that the Conduct complaint arose out of or was in connection with the performance of the Officer's official duties; and (2) that it was done while serving a public service. He said the allegations in the complain were not necessarily clear but seemed to have surrounded a vote that was taken by this council in approving a sponsorship agreement with Advent Health. He said in your packets, you'll find the conclusions of the Florida Commission on Ethics in finding that there was no probable cause of any violations of those Statutes that were alleged in the Complaint. Therefore, the request for reimbursement meets the two-prong test and recommend a reimbursement of attorney's fees and costs in the amount of $3,076.76.

Mayor Nelson asked if anyone had any questions on this item or if anyone from the Public wanted to speak on this item. Hearing none, he asked for motion to approve the reimbursement of legal fees and costs incurred by Commissioner Alexander Smith, as related to Complaint No. 20-101, filed with the Florida Commission on Ethics.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve the reimbursement of legal fees and costs incurred by Commissioner Alexander Smith, as related to Complaint No. 20-101, filed with the Florida

Commission on Ethics. Council voted 4-0 with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye and Commissioner Smith recusing himself.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2822 – Second Reading – Comprehensive Plan – Large Scale Future Land Use Amendment
   From: Future Land Use in progress
   To: Mixed-Use Interchange (5 DU/0.5 FAR)
   Owner: Klepzig Family Trust, Klepzig Dennis R Life Estate, Klepzig Joann Life Estate
   Applicant: Pulte Homes Company, LLC c/o Aaron Struckmeyer, P.E.
   Location: 4140 Plymouth Sorrento Road
   Project: 30.81 +/- acres
   Project Manager: Jean Sanchez

   Mayor Nelson asked if there have been any changes since the first reading to which Jean advised there were none. He then asked if anyone had any questions or if anyone from the public wished to speak on this item. Hearing none, he asked for a motion to adopt Ordinance No. 2822.

   MOTION by Commissioner Smith and seconded by Commissioner Velazquez to adopt Ordinance No. 2822. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker & Velazquez voting aye.

2. Ordinance No. 2840 – First Reading - Floridian Town Center - Change of Zoning and approval of PD Master Plan
   From: Transitional (T)
   To: Planned Development (PD)
   Owner: Collier Benge Land Joint Venture LLC
   Applicant: Andrew McCowan, GAI Consultants, Inc
   Location: North of West Orange Blossom Trail and west of S.R. 429
   Project: 73.93 +/- acres
   Project Manager: Phil Martinez

   Phil Martinez, Planner II, said that the subject properties are approximately 73.93 acres in size and are zoned Transitional (T) and have a future land use designation of High Density Residential-15 (HDR-15) and Commercial. He said the HDR-15 future land use designation allows a maximum density of 15 dwelling units per acre. He provided an aerial overview of the properties and said they are located north of W. Orange Blossom Trail and west of S.R. 429. He said this request for a change of zoning to PD (Planned

Development) is to allow for the development of a mixed-use development on the subject parcels. He said the applicant is requesting a rezoning to PD in order to allow this project the flexibility of uses that could not be achieved within a conventional zoning district. The proposed mixture of uses ranges from commercial, lodging, multi-family residential, and institutional. He said the applicant is here to answer any questions.

Andrew McCowan, GAI consultants, Inc., said you've recently seen this for the Comprehensive Plan Amendment, which was adopted last month and this is the next step in the process. He said at this time, we are not proposing a further connection to Hermit Smith Road and said that's reflected in their traffic study. He said it will be the responsibility of the Master Association to maintain the roads including the utilities, and the street trees.

Commissioner Bankson asked if there would be any new lights around the Floridian Town Center Blvd. and the connector road to which Mr. McCowan stated that not at this time.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2840 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Ordinance No. 2840 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

3. Ordinance No. 2842 – First Reading – Large Scale – Future Land Use Amendment
From: "County" Rural
To: "City" Mixed-Use
Owner: Lee Kyun, Lee Myung Ja, Nam Ki Yeon and Lee Jong Dan Nam
Applicant: Toll Brothers, Inc., c/o Geoff Summitt, P.E.
Location: North side of Kelly Park Road and east of Dowman Drive
Project: 30.19 +/- acres
Project Manager: Bobby Howell

Bobby Howell, Planning Manager, said the subject properties are located on the North side of Kelly Park Road, East of Dowman Drive and are approximately 30.19 acres in size and have a zoning designation of Transitional (T). He said the properties were recently annexed into the City on March 17, 2021, and said the applicant is requesting a change in the future land use designation of the property from County Rural, which permits a maximum density of 1 dwelling unit per 2 acres, to City Mixed-Use, which permits a maximum density of 15 dwelling units per acre. The subject property is located within the one-mile radius of the SR 429/Kelly Park Road interchange, and is consistent with the Mixed-Use future land use designation. He stated that the parcels will be allowed a maximum density of 5 dwelling units per acre as this property lies within the Neighborhood character zone of the Kelly Park Interchange Form Based Code area. He said this request for a mixed-use future land use change will require an amendment to the Comprehensive Plan. The applicant plans to develop the Oaks at Kelly Park, Phase 3, a residential subdivision, which will consist of single-family homes developed similarly to the existing Oaks at Kelly Park subdivision.

William Henry, 35 W. Laurel Street, Apopka said he has property out on Haas Road and his PD called Rainbow Ridge is a 44-acre project with 50% open space and 1 DU per 2 acres. He, spoke against this project due to the proximity to the Wekiva River Basin and said this will negatively impact the aquifer recharge area which is so vital for the region.

Marian Price, 2809 Dowman Drive, Apopka, also spoke against this project and said as the second largest City in Orange County we have a duty to protect Florida's delicate ecosystem.

Mike Tuefel, Dowman Drive, asked whether they'll come down through Dowman Drive to which Commissioner Velazquez said they're not.

Mayor Nelson said in the next 60 days when it gets approved at the County that they vacate that easement, it shouldn't be an issue. He said you've gotten a pretty good commitment from the board up here that we're not going to let that happen.

Mayor Nelson asked anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Ordinance No. 2842 at first reading and hold over for a second reading and adoption.

MOTION by Commissioner Becker and seconded by Commissioner Velazquez, to approve Ordinance No. 2842 at first reading and hold over for a second reading and adoption. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

4. Resolution No. 2021-20 - Adopting a non-ad valorem retention pond assessment rate for Martin Place (Phase 2) subdivision.
   Presented by: Charles Vavrek

   Chuck Vavrek said this is the final adoption for the assessment for the Martin Place Pond. He said for the public's edification, it's a requirement that the City had to go in and take corrective action to fix and repair the pond. He said he notified the residents via first class mail and have advertised in the local newspaper. The Clerk then read the title. Mr. Vavrek then stated that for the record, the set fee is $111.50.

Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-20.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Resolution No. 2021-20. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

5. Resolution No. 2021-22 - Adopting a policy relating to the employment of small women owned and minority business for use in administering Community Development Block Grants.
   Presented by: Dr. Shakenya Harris-Jackson

   Dr. Jackson, Grant Coordinator, said the City has been awarded a CDBG Housing Grant and said you all approved the grant at the last Council meeting. She said we have seven resolutions today and all of the policies we're adopting today will be amended into our current policies. She said this is a requirement for Federal Funding as well as a requirement of the CDBG program.

   Commissioner Smith asked to clarify that this is only available to minority and women owned businesses, located within the City limits.

   Dr, Jackson said because of the CDBG Grant being focused on City limits, it is preferred. She said they can apply as a vendor if they're outside of the City limits however this housing grant will focus on City owned businesses.

   Michael Rodriguez said that the language states that the City is looking at the availability of MBE and WBE owned businesses that are in the City but it's not excluding those that are located in Orange County or elsewhere in order to participate in the program. He said it's more of a geographical preference, rather than an exclusion.

   Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-22.

   MOTION by Commissioner Velazquez and seconded by Commissioner Smith, to approve Resolution No. 2021-22. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

6. Resolution No. 2021-23 - Adopting a tenant assistance, relocation and real property acquisition plan for use in administering Community Development Block Grants.
   Presented by: Dr. Shakenya Harris-Jackson

Dr. Jackson, said with the CDBG Housing program, we're helping those homes that are not meeting code and if we feel that a home is beyond repair, we're helping those grant recipients with a new home. She said in that case, we would help them with temporary housing, while their new home is built.

Commissioner Velazquez asked if there will be a guideline for these residents to understand if they qualify.

Dr. Jackson started yes, that we're executed the actual agreement and the next step is to bring in our citizen advisory task force to establish these policies as far as the requirements. She said we know that anyone that is receiving the funding has to be from a low to moderate income home but the citizens will be a part of that journey in establishing those policies. She said we'll bring this before Council before we proceed.

Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-23.

MOTION by Commissioner Bankson and seconded by Commissioner Becker, to approve Resolution No. 2021-23. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

7. Resolution No. 2021-24 - Adopting a policy relating to City purchases including a minority business enterprise policy for use in administering Community Development Block Grants.
   Presented by: Dr. Shakenya Harris-Jackson

   Dr. Jackson, said that with this particular resolution, we will be holding a Community Vendor meeting tomorrow which is aimed to help our local businesses, learn about our whole procurement process and new procurement software.

   Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-24.

   MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Resolution No. 2021-24. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

8. Resolution No. 2021-25 – Adopting a policy relating to Citizens participation in the City's Community Development Block Grants.
   Presented by: Dr. Shakenya Harris-Jackson

Dr. Jackson said that with this CDBG Grant, as discussed, citizen participation is a must so this is why we engaged a citizen task force, prior to submitting the application.

Commissioner Velazquez asked what the term is for the citizen advisory task force to which Dr. Jackson stated the award period is three years so they'll be on hand to assist with monitoring the applications and for providing feedback.

Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-25.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Resolution No. 2021-25. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

9. Resolution No. 2021-26 - Adopting procedures relating to complaints and grievances under the City's Community Development Block Grants.
   Presented by: Dr. Shakenya Harris-Jackson

   Dr. Jackson said the City has established a policy that will allow for any complaints or grievances with regard to CDBG grant and said in the policy, it outlines the process.

   Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-26.

   MOTION by Commissioner Becker and seconded by Commissioner Smith, to approve Resolution No. 2021-26. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

10. Resolution No. 2021-27 - Adopting a policy for the protection of individuals engaging in non-violent civil rights demonstrations.
    Presented by: Dr. Shakenya Harris-Jackson

    Dr. Jackson said that it is the policy of the City to prohibit the use of excessive force by Law Enforcement. She said this particular policy is in line with our current Police Department's policy and said nothing has changed.

    Mayor Nelson said Chief McKinley has looked at it and he's fine.

    Commissioner Bankson said with regard to blocking access, not necessarily blocking access but what if it comes to a place where the capacity of the building has been met. Do they have the ability to prohibit due to Fire Safety at that time to which Dr. Jackson confirmed.

Michael Rodriguez said the Statute is that we're to enforce the laws relating to access to buildings and the Fire Marshall has the obligation to enforce the Fire Code.

Commissioner Becker asked if it was intentional that we call our specifically Civil Rights or just non-violent demonstrations in totality to which Michael explained that that is a part of the CDBG requirements and said that language is required under Federal and State and must specifically reference Non-Violent Civil Rights Demonstrations.
Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-27.

MOTION by Commissioner Smith and seconded by Commissioner Becker, to approve Resolution No. 2021-27. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

11. Resolution No. 2021-28 - Designating a Florida Brownfield Area Within the City for the Purpose of Environmental Remediation, Rehabilitation, and Economic Development. Presented by: Michael Rodriguez

Michael Rodriguez, City Attorney, said that this is the second public hearing as mandated by Chapter 376, Florida Statutes in regards to designating a Florida Brownfield area for the property located at 1617 W. Keene Road. He said the applicants held their first public hearing at the site on May 17, 2021 at 6:00 p.m. and said there was one member of the public present. He said at this point this matter is being brought before you for a second public hearing and said the applicant has shown and has met the five criteria under Chapter 376.80-2(c)1-5 for establishing a Brownfields Designation area on the property. He said staff recommends approval of the designation and the applicant is here to answer any questions.

Commissioner Velazquez asked the applicant what the question was that the member of the public asked.

Michael Sznapstajler, Cobb & Cole, on behalf of Branch Apopka Associates, LLC, said the member of the public asked what the proposed redevelopment of the site was and about proposed traffic improvements at Ocoee Apopka Road and Keene Road. He said we answered his questions including letting him know we would be doing a traffic study as a part of the redevelopment once we move forward with the City with the permitting and he was satisfied with the response.

Mayor Nelson asked if anyone else had any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-28.

MOTION by Commissioner Bankson and seconded by Commissioner Smith, to approve Resolution No. 2021-28. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

12. Resolution No. 2021-29 - Adopting a policy relating to an affirmative action plan for the City's Community Development Block Grants.
Presented by: Dr. Shakenya Harris-Jackson

Dr. Jackson said this resolution provides that the City adopt a policy relating to increasing minority hires.

Commissioner Velazquez asked who was charged with keeping track of affirmative action and asked if that would be Human Resources.

Michael Rodriguez stated that this will be incorporated in our solicitation or advertisements for open employment positions. He stated that the policy as required by the Federal and State government with regards to the CDBG grant, states that we have to, at a minimum, we have to state in our advertisement that the City is an Equal Opportunity Employer and said we have to look at all of the applicants and strive to have a reflection that the personnel of the City matches the diversity of the City. He said the language does not force us to take a lesser qualified applicant, solely because of their race, rather, we have an obligation to bring the best qualified applicant. He said it does create a goal however.

Dr. Jackson said one of the criteria we had to answer when we submitted the application was to provide the information with regards to the number of minorities and the City did not gain all of the necessary points as our numbers were low.

Commissioner Smith asked what is the percentage of minorities that are employed by the City now.

Dr. Jackson stated that interestingly enough, the only individuals that they consider minorities are black or those that identify with multiple races so if you're identifying as Hispanic, you are not considered a minority, according to the State.

Commissioner Smith asked what the percentage was to which Dr. Jackson stated approximately 67 individuals but we will confirm that. He then asked what was the percentage of minorities in our City and how many minorities is equal to 1/10th of a percent to which Dr. Jackson stated we will provide you with that information.

Commissioner Becker said if you take the same definition of how CDBG looks at it, the City of Apopka is approximately 24%. He said if you use that number with an estimate of 500 employees, that's 13%.

Commissioner Bankson said he knows there's a disparity between incorporated and un-incorporated and assumes this represents Incorporated Apopka to which Michael confirmed but said that once we get the 2020 Census figures, we will have a better figure.

Mayor Nelson asked if anyone has any questions or if anyone from the Public wishes to speak on this matter. Hearing none, he closed the Public Hearing and asked for a Motion to approve Resolution No. 2021-29.

MOTION by Commissioner Velazquez and seconded by Commissioner Becker, to approve Resolution No. 2021-29. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith and Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez congratulated the thirteen firefighters that took an oath, yesterday, and were pinned by their families. She said it was very nice to have our chamber filled with families. In addition, this past Saturday she attended the final Saturday Sounds Concert and said it was very nice.

Commissioner Bankson apologized for missing the firefighter swearing in ceremony, on yesterday, he was attending his daughter's wedding. He said there's a very strong garlic smell when you drive North on 441. He stated his concerns about graffiti and said it could be the beginnings of gang activity, claiming turf, etc. He saw one in particular at the store at the end of Sandpiper.

Commissioner Smith said he attended the swearing in of the new officers as well and said he's glad to see more youth coming along and said it shows a sign of progress. He said that was a great ceremony at the cemetery yesterday and said it was well attended.

Commissioner Becker apologized for missing the swearing in ceremony yesterday, as he was on vacation with his family. He asked if we have a timeline with regard to a follow-up on the discount store discussion we had at the last meeting to which Jim said we should have something put together within four weeks.

CITY ADMINISTRATOR REPORT

Edward said there's positive news this month and said this is the biggest month we've had since last year. He said this will be closer to 9% and said we're keeping the swing going in the right direction.

Mayor asked Edward about the Financial Report to which he replied he didn't want to steal her thunder as she's worked really hard.

Gladymir Ortega said the audit is still going on and said we're at the end but asked for an extension to ensure we can review the statistical information of the financials but has asked for a preliminary, preliminary report and said last year, we had 5 or 6 findings and this year, so far, there are only 2. She said the preliminary findings were that in 2019, there were booked under revenues and should've booked them in 2019 and will be corrected in 2020 and said preliminarily, we have great news. She said she appreciates the support of Edward and the Mayor.

CITY ATTORNEY'S REPORT

Michael stated that he didn't have anything else to add today.

MAYOR'S REPORT

Mayor Nelson said you all have the Rock Springs Ridge Recreational District (RD) Ordinance that Michael crafted based upon the one from Manatee County so take a look at that. He said his hope is that we'll get to a point where at the next Council meeting we'll go ahead and take it up and pass it out. He said we were supposed to have the Tri-Party Agreement done from Kurt Ardamon and you should have in front of you, in small print, the land swap and said there are some things that aren't what we agreed in this. He said he'll ask them to prepare something we can get out the first part of next week so you'll have plenty of time to meet with Michael. He said also we want to, at some point, have another community meeting, that will be in Sunshine so that everyone can attend.

Michael said he received that late yesterday afternoon and those are his comments that will be sent back to Mr. Ardamon but he wanted to share them with you so you can see the very thin bullet points that we received.

Mayor Nelson said one of the things that we hadn't really agreed was the Tax Incremental Financing (TIF) and said that was only for if they rebuilt the golf course.

Michael said another thing we didn't agree upon was that the City is not going to be responsible for the cost of every election the District will have. He said the City agreed that it would fund the initial election, which would be the referendum to create the District but said the City will not fund their elections to elect board supervisors or any further referendums. He said there's some disagreement with what responsibilities the City has regarding contributions to their irrigation systems and other repairs, which were not items that were discussed between the parties.

Mayor Nelson said the discount in the water was based upon the golf course and just the golf course and not the Homeowners Association properties and said if we do that, we have to give a discount to every community across the City. He said his hope is that if we get something we can take up at the next meeting so that if we get an agreement that we all feel comfortable with, we would take it to a community meeting at the amphitheater. He said the RD Ordinance is ready to go.

Commissioner Velazquez stated this Ordinance is ready to go?

Michael stated this has already been sent to Mr. Ardamon for his review and we haven't received any comments back and this is what will be presented to the Council for a vote and if approved by the Council, than this and the ballot question will be put on the ballot for the residents of Rock Springs Ridge for the residents to vote on for the creation of the Recreation District.

Commissioner Velazquez asked when the community meeting will be and asked if the residents will have enough time to look this over.

Commissioner Becker asked how the Rock Springs Ridge sentiment be communicated back to this board and said he would need additional information. He said how do we know that when we go to pass this Ordinance, that the majority of homeowners approve.

Mayor Nelson said when we have the community meeting, this would be sent out, this would be published in the paper, we'd have this on the RSR website so that the community can take a look at the Ordinance and the Buy & Sell Agreement and give everyone time to review before scheduling the community meeting.

Commissioner Becker said where he needs assurance is that the details that the RSR residents have in hand are clear so they can make an educated decision.

Michael stated that this is up to the residents of RSR and said there can be polls taken by the residents but until they vote on this, we won't have the exact results. He said this Ordinance creates the body that would be the entity that would take title. The idea of a Tri-Party Agreement is that the three parties to the agreement would be the City, HOA and the Developer.

Commissioner Velazquez said her concern is that we haven't really gotten a real feedback from all of the residents. She said we have groups, some stronger than others and some don't understand what they're getting into. She said before we even get to this Ordinance, she'd like to get feedback from the community.

Mayor Nelson said Sheeler Oaks update and said Edward reached out to a contractor and said that materials out there across the State are hard to come by but it looked like it may be 5-6 weeks just to get culverts to put into the ground and said that he found some that he can shave and get 5 of them up and running so we think we can start Phase I between 6/21and 7/2 and said Phase II could start 7/14, and said if the structures arrive earlier, we can finish that by 7/21, and said Phase III could start by 7/22 and finish by 7/30. He said we're waiting to see if he can craft them into something that will work and get those in the ground as soon as possible.

Mayor Nelson said he had a meeting with the folks at Camp Wewa and said they did have an aerial survey done and said you have the numbers they came up with. He said we were at about

50 useable acres and said they've got it up to 56.69 usable acres, which raises the value according to them to $4.7 million. He said he's given the aerial and information back to Integra which was the lower of the 2 appraised value companies and they're going to take a look at it and come back to us with a number. He said at that point we'll bring it back to City Council and if it's something we want to do, we'll have another opportunity.

Mayor Nelson said the DEP response regarding the Border Lake drainage well still trying to work on this and said that hopefully we can do some water quality improvements without having to dig up 436 and said that hopefully, we'll know that within the next couple weeks.
Mayor Nelson said he went down to Sarasota for the Florida Chamber's Prosperity & Economic Opportunity Solution Summit project and said it was a great day. He said a good friend, Jimmy Petronas was one of the main speakers as well as a few others that he served with in the legislature. He said the take away from this was there are 10 achievements that you need to meet to get kids out of poverty and they say that 50% of all children in poverty are in 15% of the zip codes so they're targeting those zip codes to see if they can help those in the most need. He said the 10 pillars to reducing poverty are: (1) Lack of Employment Opportunities; (2) Inequities in education and workforce development; (3) Unaffordable or unattainable housing; (4) insufficient transportation options; (5) disproportionate health access and outcomes; (6) food insecurities; (7) inaccessible or unaffordable child care; (8) unsafe environments; (9) imbalanced outcomes in the criminal justice system; & (10) lack of recognition and access within the community. He said this information is on the Apopka Chambers website.

Mayor Nelson said a good friend Jim Sursley passed away and read his obituary. He said that tomorrow through Sunday, we're going to have the flags at half-mast in his honor.

Mayor Nelson said that lastly, the State Budget came out today and we now have $1 million dollars toward our Fire Station #6. He said with help from Cate Manley; Senator Bracy and Kamia Brown putting the Bill into place, we got it done and said the third time is a charm.

ADJOURNMENT - There being no further business the meeting adjourned at 4:38 p.m.

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Bryan Nelson, Mayor

ATTEST: ______________________________
Susan M. Bone, City Clerk