

CITY OF APOPKA

Minutes of the City Council regular meeting held on January 19, 2022 at 7:00 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 – Commissioner Bankson provided the invocation and led in the Pledge of Allegiance. He then provided the fact of the day, as follows: On January 20, 1981, the Iran Hostage Crisis finally comes to an end when 52 United States citizens that were held captive for over 444 days at the U.S. Embassy in Teheran, Iran were released. The crisis began on November 4, 1979 when militant Iranians seized the U.S. embassy in Teheran because the U.S. government allowed the ousted Shah of Iran travel to the U.S. for medical treatment. The crisis continued until 1981 when negotiations were made to unfreeze Iranian assets in exchange for the hostages.

APPROVAL OF MINUTES

1. Regular Council Meeting Minutes of January 5, 2022.

Mayor Nelson asked if anyone had any additions or subtractions to the minutes.

Commissioner Becker asked the City Clerk if there were any resident corrections to the minutes, emailed in. He stated that he had a couple resident contact him stating that the minutes did not include a particular word used by a member of the public during their public comment; the word ‘disenfranchisement.’ He said it was the cause for the comments and said however, that word works itself into the public comment for Mr. Bell during that period. The City Clerk stated that she would go back and listen to the tape again.

Mayor Nelson asked if Council would like to bring the minutes back at the next Council meeting. Hearing confirmation, he announced that the minutes will be postponed until the next City Council meeting.

PRESENTATION

1. Chief Wylam's appointment as the Central Florida Fire Chiefs' Association (CFFCA) District One Director
Presented by: John Miller, President, CFFCA and Will Watts, Vice President, CFFCA

Mayor Nelson introduced John Miller, President of the CFFCA and Will Watts, Vice President of the CFFCA.

Will Watts, the Vice President of the Central Florida Fire Chief's Association, stated that he has the honor to introduce your new District One Director for the CFFCA, Chief Sean Wylam. He provided a summary of what the CFFCA does and explained what Chief Wylam's role will be with the association. The CFFCA was first incorporated in 1964 and was comprised of a few of the Orange County Fire Departments, including the Orlando Fire Department. 2022 marks the 58th anniversary of the association and over five and a half decades; the CFFCA has grown through the Central Florida Fire Service. Today, the CFFCA includes twenty-eight fire and EMS agencies throughout our membership area of Orange, Seminole, Osceola, and Lake Counties. Our active membership currently stands strong with two-hundred and thirty-six Chief Officers, inclusive of thirty corporate partnerships. Our leadership team is comprised of elected Board of Directors including the president, vice president, five district directors, with four directors representing the County, and on district director representing the retirees. We also have a secretary, treasurer, and fire chaplain. Our association meets on the second Thursday of each month for a business lunch and a program at the Altamonte Springs Hilton at 11:30am, typically running until 1:30pm. We wholeheartedly welcome the Apopka Fire Chief, Sean Wylam as our Direct One Orange County Director, to the board.

Chief Sean Wylam stated that he is humbled and grateful for the opportunity to serve as the District One Director for the CFFCA. He is proud to represent our agency in this capacity on a regional level; we are very fortunate in the Central Florida region to have an amazing working relationship and collaborative effort amongst all of the Fire Departments.

Mayor Nelson informed everyone that Chief Wylam went to Arizona, in July, to represent Apopka, at the 50 Fire Chiefs and this is a high honors that he has brought back to the City of Apopka. We appreciate Chief's service to the City of Apopka.

2. Community Music Program Presentation
Presented by: Brian Forman and Frank Taylor, Executive Director, Music to My Mind

Brian Forman introduced Frank Taylor, to discuss his Music to Mind program that will take place at the VFW.

Frank Taylor, the founder and executive director of the non-profit charity Music to My Mind, stated that they are excited to be collaborating with the City of Apopka to launch a community music program. This program will consist of three initial groups including a Community Symphonic Band, Community Big Band or a Jazz Band, and a Community Choir. The partnership with the City will allow us to use the Apopka Community Center-VFW Post 10147 as our home base for rehearsals and performances. The groups are open to high school students through adults and they will work to accommodate every musician from every background and walk of life, no one will be turned away. As part of the community music plan roll out, we will also be forming the first chapter of Taps for Veterans, in the country. This will be in partnership with the national non-profit, Taps for Veterans. This program will allow us to train trumpet players and buglers the correct procedures, history, and importance of taps to our veterans in our Country. It will also allow us to better service and pay tribute to our veterans throughout the year and not just on Memorial and Veteran's Days. He asked that everyone please note that there are no chapters for Taps for Veterans in the Country; all of their events have relied on the individuals participating around the Country. We would be the very first chapter, in the country. The groups will rehearse on Sunday afternoon and evenings between 4:00 p.m. and 9:00 p.m., the choir will rehearse from 4:00 p.m. – 5:00 p.m., the big band from 5:30 p.m. – 6:30 p.m., and the symphonic band from 7:00 p.m. – 9:00 p.m. Our first rehearsal will take place on Sunday, March 13th. Now, we are planning three performances, which will feature all three groups: a spring concert, a July 4th concert, and holiday concert in December. For anyone interested, you can find all of the information, as well as the application to be involved on our website, which is musicptomymind.com. Applications may be uploaded directly to the website or dropped off at the Apopka Chamber of Commerce.

Commissioner Becker stated that his trombone is in his attic, but he is very happy for him. When Fran was here advocating for the Wekiva Band, it was mentioned that he and Frank are fellow class of 96' alumni from Lake Brantley High School. He is happy for him.

Commissioner Bankson said that he is excited about this and Frank's background and credentials that he carries. He stated that he is excited about the quality and sense of community that he believes this program will bring out.

Commissioner Velazquez stated that we enjoy the Wekiva High School band when they come out to our festivals and parades, so she knows that he will do a fantastic job.

It is a great dedication on Frank's part, to start this for the community. She is looking forward to seeing the results of it.

Commissioner Smith stated that the arts are important and he is glad to see it coming back. His trumpet is in the attic, as well, but he thinks he can pull it out. He said his trumpet is in the attic as well but he may be able to pull it out.

Mayor Nelson said one of the things he asked Frank to do once he gets it up and running is to be able to go to the Billie Dean Building as well as the Fran Calton and provide the kids going into high school a sneak peak and get them involved at that young age.

3. Northwest Recreation Complex Expansion Plans
Presented by: Brian Forman

Brian Forman stated that in the spring we reached out to the community, had staff input, and also reached out to and consulted with CEI Engineering Associates to help put this plan together. The community was looking for restrooms, accessible playgrounds, more fields, additional field lights, a dog park, tennis and basketball courts, and disc golf. The top write in response, by far, was an aquatic facility. He stated that CEI Engineering Associates have done over forty-thousand projects in forty-eight years. They are licensed civil engineering firm with both civil and sports engineering experience. He provided an aerial map of the layout. He pointed out the locations of the field house and aquatic facility, the area for the eleven full-sided soccer fields or multi-purpose fields, rest room facilities and parking. He showed the locations for six new basketball courts, six volleyball courts, twelve pickle ball courts, seven new tennis courts to go with the four that are currently there, and ADA playground, and nine ball fields. He said we have already budgeted the exit road going to Jason Dwelley Parkway; that is a one-way exit road out. He stated that the tennis courts will cost \$800,000 the twelve pickle ball courts will be \$600,000, the six basketball courts will be \$1 million, the volleyball courts will be \$100,000, \$100,000 for the dog park, and when parking and restrooms are added that is \$1.25. The new ball fields, south of the Fire Station, the parking, restroom facilities, and a few buildings together will be about \$8 million, and the ADA playground to the north of the Fire Station is about \$1.5 million. We think there is a good chance that at some point we will get a grant that will at least help pay for part of that. The multi-purpose fields and the walking path around it will be \$7.1 million. He stated that the field lights range from twelve to twenty years old, so over time we will not be able to fix them anymore, we would have to change them all out to LED. The field house and aquatics facility combined are \$7.5 million and operating costs are \$1.2 million year. So phase one adds up to \$10 million dollars; that includes

the courts in one area, about half the ball fields, and half of the multi-purpose fields. We would try to get that done between 2023-2024. The ADA playground in phase two is also planned for the end of 2024. We will then come to the field house in 2026 for \$5 million and a \$2.5 million dollar aquatic facility, in the spring of 2027, then coming back and completing the ball fields at the end of 2027. We will complete the multi-purpose fields in the spring of 2028, then converting the existing field lights in 2029 and then finishing up anything left of parking, restroom, walkways, etc. by 2030. So total expenses will be \$32.9 million in capital, \$1.9 million in operating, adding eight full-time staff, plus part-time and seasonal. As of March the \$600,000 a year that the City has been paying for the 2009 expansion of the complex, comes off the books, so that money will become available and our impact fees would be a good source of funding.

Commissioner Velazquez questioned the location of the skate park and Brian Foreman stated that the skate park is not a part of this plan. Staff did not recommend the skate park. He read an expert from the press of Atlantic City regarding their issues with their skate park and citizens obeying the city's rules and regulations for the skate park.

Commissioner Smith asked if these plans cover all the land at North West and the response was yes. Commissioner Smith then went on to state that he was thinking about put-put golf. Brian Foreman stated that there is probably land, especially north of the Fire Station that will be available. This is just an initial presentation to the Council; adjustments can still be made.

Commissioner Becker asked if the more fields and playground response fairly close and Brian Foreman stated that they want to look at grant funding for the ADA playground and in order to qualify for the grant funding, it has to be in our five year plan, but we cannot not have it specifically budgeted. So, it has to be in our plan, but not being done. That will put us in better shape for funding. **Commissioner Becker** also asked for clarification on if it is accessible or ADA; it will be inclusive and accessible for all developmental disabilities, not just physical, but for other cognitive disabilities, as well. **Brian Foreman** confirmed. **Commissioner Becker** asked what the recreation impact are, right now. **City Administrator Edward Bass** stated that the one-way exit road was funded in the current impact fee. Right now, there is about \$300-\$350,000 sitting in that fund, right now. That is an estimate because money is paid each week. However, when we decided on which way to go, we would make projections on those dollars to help, from a funding standpoint. **Commissioner Becker** also asked for clarification on the economic benefit slide; we are talking about economic benefit to our city not necessarily to revenue stream into the City of Apopka. **Brian Foreman** confirmed that that is total economic dollars across all areas of the Apopka, not dollars that the City will get directly.

Mayor Nelson stated that when that payment of \$600,000 a year comes off, that also frees of \$600,000 in our normal budget. Another thing that we want to look at, at some point, we were in discussions with a baseball group that wanted to come in and build fields, it ended up not working. However, we would like to go back and look at Orlando and look at the hotel, The Bed Tax, we never received a nickel from The Bed Tax, but as we have to show the county that, we are actually putting heads in beds to show that we deserve some of those dollars back.

Commissioner Bankson asked if the Geezer Competition happening at Wewa and Brian Foreman confirmed that it will be Saturday. **Commissioner Bankson** stated that we are getting a lot of tree work done, as a benefit to that, but it is something he thinks will be a great ongoing relationship.

4. Rock Springs Road Study and West Orange Trail Extension Study Presentation
Presented by: Lara Bouck - Metro Plan Orlando and Amy Sirmans – VHB

Pam Richmond, Transportation Planner, said that this is project that has been very important, to the City, over the last few years. We started out on our own, looking to fix Rick Springs Road and Welch.

Laura Bock, project manager for the Rock Springs Road Study and the West Orange Trial Extension Study, stated that we are doing both studies concurrently and in partnership with the City of Apopka and Orange County.

Amy Sirmans stated that that the Rock Springs Road and West Orange Trail study overlap and will be following the same path for schedules, but will result in two different studies. Typically, there are four stages in projects and we are at the beginning, at the planning phase. This is where we gain input early on from the City, the stakeholders, and the public, and we use that input to tie into our project development. The purpose of the Rock Springs Road study is to evaluate safety and access along Rock Springs Road; we are looking from Welch Road to Lester Road. We are also looking that the intersection of Rock Springs Road and Welch Road for improvements. We are also looking at the option of realigning Sandpiper Street at Park Ave and the potential for a signal and adding a sidewalk on Sandpiper Street from Lake Ave to Ustler Road. Starting at the intersection with Rock Springs Road and Welch Road we are looking at adding turn lanes and traffic control separators; we will have two different alternatives. Moving further north at the Publix north entrance we are looking at adding a new signal and again we have two different alternatives for that option. North of Publix we are looking at the option of a new mid-block crossing which is south of Tanglewood Drive and at the northern end of the project we are looking at some minor intersection updates

at Lester Road and Rock Springs Road. Moving back down south of the project, at Sandpiper Street, we are looking at realigning Sandpiper Street and adding a new signal at Park Ave and the sidewalks along Sandpiper Street. Again looking at the intersection of Welch Road, starting with alternative one, the westbound approach has a single left turn lane, two through lanes, and dual right turn lanes. There will be a raised traffic separator proposed between the eastbound and westbound travel lanes, to improve safety. The eastbound approach consist of single left and single right turn lanes, two through lanes and a raised traffic separator between east bound and westbound travel lanes. Looking at the southbound approach, we will have dual left turn lanes, a traffic separator, to restrict left turns in and out of the Publix south entrance, and a new traffic separator at the start of the northbound left turn lane. Lastly, at the northbound approach, we are proposing a single left and a single right turn lane, two through lanes, and a raised traffic separator between the northbound and southbound lanes. Alternative two is very similar to alternative one; however, it does not include the dedicated right turn lane on northbound and southbound. Now moving up to the Publix north entrance, we are proposing to add a signal at the intersection of the north entrance at Rock Springs Road. In alternative one, the south leg of the intersection features a dedicated northbound right turn lane and two through lanes, so a dedicated right turn lane into the Publix entrance. This leg also features southbound dual left turn lanes into Publix and raised traffic separator between the northbound and southbound lanes. The east leg of the intersections are coming out of the Publix plaza as a single right and a single left turn lane, out of the entrance. The north leg of the intersection includes a southbound left turn lane and two through lanes. Alternative two is very similar to alternative one; however, does not include the dedicated northbound right turn lane into Publix. The next option that we are looking at is to add a midblock crosswalk. The proposal is to add a midblock crossing at Tanglewood Drive. It would include a raised median island with opportunities for landscape. It would also include a rectangular rapid flashing beacon, which is also known as an RRFB, to be installed to increase safety for pedestrians. The discussion this morning, in the DRC meeting, was whether or not this would be needed if the signal is added at the north entrance of Publix, if we can encourage pedestrians to cross at the Publix. Some of the discussion was also about potentially putting in the signal at Publix first and seeing if behaviors are changing in the corridor and whether or not a midblock crossing is still desired. Now, moving back down to Sandpiper Street, at Park Ave, this includes, again, the realignment of the east leg of Sandpiper Street to bring it in at the west side of Sandpiper Street. We're also evaluating the construction of new sidewalk along Sandpiper; new sidewalk will be provided on the sides of the street that currently do not have sidewalk, specifically that would be along the north side, the west side of Park Ave over to Lake Ave, and then adding side walk on the south side of Sandpiper Street over to Ustler. These improvements would increase sidewalk connectivity to the existing West Orange Trail. Now, back at the Welch Road intersection and Rock Springs, the potential impacts associated with the Rock Springs

Road strategies are the need for right-of-way acquisition and impacts to existing utilities, alternative one and two will have utility impacts and right-of-way requirements; however, alternative two requires less right-of-way than alternative one. Moving up to the Publix entrance, right-of-way impacts are anticipated along the west and east side of Rock Springs Road for alternative one and right-of-way impacts are anticipated only along the west side for alternative two. At Sandpiper Street and Park Ave the proposed options here anticipate, again, the utility impacts as well as a corner clip of right-of-way in the southwest corner of the intersection and that's need to add the signal pole for the new signalization. The new right-of-way that needed for the realignment of the east side of Park Ave exist entirely within the City owned parcel. Within the study we look at existing traffic operations; we look at what is called a target level of service and this tells you the operations of the corridor. Assignment for the City corridor is a level of service 'E.' To the existing traffic, analysis show that the Welch Road at Rock Springs Road intersection, at both the a.m. and p.m. peak periods does not operate at an acceptable level of service, as well as the Sandpiper Street at Park Ave intersection during the a.m. and p.m. peak periods. The next thing we do in this analysis is to project the traffic out to year 2045; we see what happens on the corridor, if no updates were done, as was proposed. The intersection of Sandpiper Street and Park Ave is projected to not operate at an acceptable level of service with no updates. While the intersection at Rock Springs Road and Welch Road is projected to operate at the same level of service as existing, it is expected to experience much higher delays in the future year of 2045, with no updates. Next, utilizing the projected traffic for alternative one, all operations are expected to be within the target level of service 'E' in the 2045 bill conditions. Additionally, there is reduced overall delay at the Welch Road intersection by 78% in the a.m. and by 76% in the p.m. Looking at alternative two bill conditions result in operations also within the target level of service 'E', there is a reduced overall delay at the Welch Road intersection by 74% and by 72% from existing delays. In alternative two, the Welch Road intersection operates sufficiently, but has more failing movements than alternative one. Both alternatives are expected to reduce the overall delay at the intersection, with alternative one providing slightly better improvements over alternative two.

Commissioner Becker asked to be walked through the timeline of how long it typically takes to get through each phase. Amy Sirmans said that typically, following planning is the design phase, which is roughly two years, maybe less, depending on which entity is doing the design. Most of the alternatives require some right-of-way acquisition and construction, but she believes it will depend on funding. If the funding falls into place when needed we will maybe be looking at six to eight years.

Commissioner Bankson stated that he does agree that we need to go with one for the right turns, just being familiar with that area. He stated that he is concerned that the

loading lane for the right turn only, on the westbound for Sandpiper is too short. He'd like for that to be considered.

Pam Richardson stated that this is just a concept of what it could look like, we haven't done the calculations of about how long. This is the one I wanted to show, we have another one that does not separate it out, as such, but I can assure you we are going to make sure that the right turn is long enough. The City is not waiting for them to finish their study, they are looking at the impacts of what it will have overall, but we are moving forward with that project.

Commissioner Bankson went on to state that we definitely need the right turn lanes at Welch.

Commissioner Becker asked that with the options for the additional turn lanes and the things that is directly on that intersection of Welch and Rock Springs, obviously we have some development that will be occurring on the northwest section of that property, are they working with those developers of that construction.

Laura Bock stated that Pam has connected them with the developer and they are donating twelve feet of right-of-way to help with adding that turn lane in. Commissioner Becker asked which route they are taking with this particular intersection, is Metro Plan working on that developers schedule or is that developer working within metro Plan's schedule. Laura Bock stated that they are working with the City of Apopka on their whole plan, again, they are giving twelve feet to work with this project, so we are assuming that they're proposed development is our existing condition. This happens a lot during planning studies.

Commissioner Becker recommended that we lean toward human behaviors and what reality is with people crossing, in regard to the midblock cross ways. Lastly, he stated that everything north of Welch is County roadway systems. He questioned what type of conversation would happen when we talk final costs, between the City and the County.

Mayor Nelson stated that Duke Agreement is still being located; however, the cost to move the huge transmission line, at the corner, we heard it is north of \$1 million, but we think Orange County has an agreement that they will move it for free. Brian stated that they are still working through that, unless they are in an easement, they are just free in the right-of-way, so in moving that right-of-way line twelve feet, everything else can go with it, including the poll. The developer has shown that that will work. In terms of funding these projects, we are looking at cycling them through the Metro Plan priorities list, where we will need to chunk a number of smaller projects together to meet the funding limits that Metro Plan has. He believes it is \$4 million dollars per project that

we can fund through metro plan. We will look for other opportunities and other sources of funding along the way. Commissioner Becker asked how do we influence the prioritization of projects. Brian stated that the City sits at Metro Plan, we go through the prioritization process.

Commission Valezquez stated that the pedestrian crosswalk is very important, because from Welch to Ponkan there is no crosswalk. We also have a little subdivision there that does not have a light. It is not safe for them.

Commissioner Smith stated that where the Citgo, by the trailer park, there is a bus stop for kids there. He is concerned that there is not enough grass area for those kids to stand and wait for the bus, so half of them are in the road. He asked if there is any way for that to be accommodated. Laura Bock said that they can look into that.

Amy Sirmans moved on to the West Orange Trail Extension. Looking at the Welch Road alignment itself, this will run from the Welch Road and Rock Springs Road intersection over again to the Wekiva Springs Park entrance. There is an alternative alignment that is being recommended to remain along Welch Road to Wekiva Springs Road, which utilizes Wekiva Springs Road to connect to the Wekiva River Blueway Trail. The Ponkan Road alignments run along Ponkan Road to connect to Wolf Lake Elementary Schools as well as the recreation complex. There is also an alternative alignment that we are looking at utilizing the existing bike trail on Lester Road and Vick Road. For the Rock Springs Road alignment itself, from Lester Road and Kelly Park Road, the study is looking to keep the proposed trail alignment along the east side of Rock Springs Road to tie in to the proposed Wekiva Trail. Alternative alignments we are looking at are proposed to utilize the Wekiva State Park boundary and we have been coordinating with the park on these options. For the Rock Springs Road on road trail, may require additional right-of-way, if it remains along Rock Springs Road and the trail within the park will require additional ordination and approval from the park if we were to use those alternatives. The Welch Road spur will require additional right-of-way and may require some roadway modifications in some areas to accommodate the trail. On the Ponkan Road Spur, if we look at the initial spur remaining on Ponkan Road, it is approximately 2.18 acres of right-of-way that may be required, if we look at the option that runs down Lester Road to Vick, that is approximately 1.6 acres of right-of-way that would be needed. We began these studies in the early spring of last year and we expect to be completed by the end of 2022. Our first public meeting will be next Thursday, following that meeting, the study team will continue to refine the alternatives and analysis. Public meeting number two is anticipated to be held in the fall of this year. After that the study team will present the study recommendations, back to this council. The meeting next week is scheduled for 7:00pm, it is a virtual meeting, and you may register on the study's website at metroplanorlando.org/rocksprings. There will be a

virtual meeting room and the recording of the live meeting will be open through February 28th. The meeting materials will be linked on the project website, after the virtual meeting room closes on February 28th.

Commissioner Velazquez asked if the presentation is online, and the response was not yet, but they will get it posted.

5. Water, Wastewater, and Reclaimed Water Utility Rate Study Status Report
Presented by: Henry Thomas, Vice President, Raftelis

City Administrator Edward Bass stated that the consultant is here to give a high level update on this study.

Henry Thomas, Vice President of Raftelis, stated that tonight the topic is the utility rates for water, wastewater, and reclaim water that we have been working on for quite some time.

Sean, Project Manager, stated that the last rate study was completed in January 2016 and our current engagement with the City was initiated in January 2020. We are currently nearing completion to have recommended rate changes for October 2022. We are developing a financial forecast for the utility system for fiscal year 2022-2026. As part of our analysis we evaluated a historical and operating expenses in trends and recent data, we then project revenues and revenue requirements in date provided by the City. From there we helped develop a capital funding strategy for that window of time of 2022-2026 to make sure that we are trying to balance out what capital projects through potential issuance of debt, funded through rates on reserves, impact fees, grants, etc. In doing so we also try to make sure we evaluate financial metrics and performance metrics; cash reserve requirements to make sure that the utility maintains a healthy liquidity, as well as other required items from the City's bond resolution and loan covenants. Some additional goals and considerations include making sure that we use existing reserve balances for the system in order to phase in potential future rate adjustments to the extent possible. Additionally we also want to make sure that in our forecast the rates are generating net revenues that are able to comply with the debt service agreements that the department has. We also look at impact fees and connection fees to make sure that growth is paying its own pay. Currently the water, sewer, and reclaim system provide service to about 24,000 water accounts, approximately 19,000 wastewater accounts, and about 9,000 reclaim water accounts, as of the close of 2021. Those are rounded figures. For the purpose of our projects, we looked at historical trends in growth, as well as additional information provided by the City for future growth and development. We are projecting customer growth approximately between 2-3% per year, depending on the system. That growth is front end loaded; it tapers towards the 2026

window. For the revenues that were used in the projects, a combined system revenues, at existing rates are about \$20.1 million dollars in 2022, that is budgeted; increasing to about \$21.7 million dollars by 2026. That increase is associated just with customer growth and not any rate adjustments. We also look at other revenues, such as late charges, meter set fees, tap fees, etc. and that comes in at about \$1.4 million dollars a year, at our forecast. For water impact fees, wastewater impact fees, and reclaim are approximately about \$4.5 million per year. Switching from the revenues to expenditures, the operating expenses included in our projects start in 2022 at about \$19.2 million dollars and increase to about \$22.1 million by fiscal year 2026. That is about an average annual increase of about 3.5% a year, which is about in line with what we see in other municipalities with utilities systems. Please note that in that increase there are no new FTE's accounted for in that, so this is staffing at existing funded levels over that window of time. In terms of existing annual debt service payments there are about \$5 million dollars a year, that the utility systems pays and is broken down between the senior lien bonds and the SRF loans that are currently being paid on. In our forecast, the general fund transfers are projected at about \$3.2 million in fiscal year 2022 and increasing to about \$3.9 million by fiscal year 2026. Please note that those particular transfers are over and above the transfer to the general fund for indirect costs. In addition, at the state level, there is a bill that is in process that states if a municipality transfers money to its general fund, from the utility fund, then it eliminates eligibility for grant funding. It has not passed yet, but it is a concern on the horizon.

Mayor Nelson stated that that is only if it is above what the general funds warrant and **Sean** confirmed that that is correct.

Moving ahead, **Sean** stated that the capital improvement plan evaluated was approximately \$122.5 million dollars, of that plan; about 62% is funded from grants. That is about \$75.3 million dollars. Another \$17.4 is anticipated to be funded through a proposed debt issuances and just under \$30 million is projected to be funded through impact fees and rates.

Gus, the Central Florida Contract Manager for Water Company of America, stated that they have worked with the City for little over a year, so the numbers that he will present are yearly projected. They have projected an increase in water revenue by \$101,000, increase sewer revenue by \$234,000, and increase reclaim water by \$63,000 for a yearly projection of \$398,000 per year. Of those 98% were misbilled accounts, such as misbilled units for apartment complexes, etc. Other conditions, such as unbilled accounts and physical conditions were very low, about 1.5%.

Sean went on to state that with respect to the preliminary results, we are observing increases to the water and reclaim water systems of approximately 3.5% per year and for

the wastewater system of about 13.5% a year for fiscal years 2023 through 2026. This would be effective October 2022, with the anticipated plan.

Commissioner Becker asked what the recommended liquidity is on the cash reserves for utility accounts. Sean responded that generally we see, in an operating fund, about 120 days of revenues, but often times in those systems there is a renew and replacement fund that maintains a balance. In the City of Apopka's case, instead of having those two funds, is meshed into one, so the target for operating reserves would be about 180 days.

Commissioner Becker asked if the customer's account growth factor in new clients coming on the system or if it is the anticipated growth from customers in the system today. Sean stated that this would be the growth in accounts over time, new residents, and new households. **Commissioner Becker** asked to be talked through the fact that the expenses are not direct line increase with the customer revenues. Gus then stated that operating expenses are primarily labor and other day-to-day operating costs. We are compared to recent levels showing an increase in the capital spending for maintaining assets, so the number that's beneficial is debt service cost, in such, as you grow you are spreading that over additional customers, which lower the per unit contribution. However, because of the size of the capital plan and some of the major projects, we have assumed two SFR loans, in the future for you, to help mitigate current rates, so the debts actually growing as well. This model that we have developed for you, takes in to account all of those interactions simultaneously. **Commissioner Becker** also asked for clarification on the capital improvement plan, where is says 62% of the 75 funded by grants, is that project or do we have line of sight and that is guaranteed grant money. Gus stated that as we understand it, City staff have been reaching out to agencies that provide grants and this is what they are attempting to accomplish. These are not committed grants, at this point.

Commissioner Smith asked a question in reference to the increase, the 13.5%, in reference to the water and wastewater systems. He asked if the same percentage be across the board for residential and commercial, since it is noted that commercial is not paying currently. **Gus** responded that for wastewater rates in particular, when they look at the average cost of the system the City's customers do not pay the average cost of the system, so they believe that residential rates are subsidizing commercial, and that really shows up when we compare the City to other systems. They are going to come back with alternatives that would recommend increasing the commercial rates, which would result in lowering the increase for, residential relative to that 13.5%. They are still studying the issue at the moment.

Commissioner Bankson stated that our expenses are going to increase because of inflation. At this point, if we do not deal with that and we do not swallow the

inflationary growth, our projections will be behind. Which means whether than it coming from the user, as a fee, it ends up being spread out and taken out of the tax base.

Mayor Nelson questioned, had we not built the west plant and we had not built the fertilizer plant, how much would that change the rate increases for the wastewater.

Sean stated that that portion is about 10%. **Mayor Nelson** said so instead of being at 13.5%, we would be at 3.5% and Gus said it would be a one-time rate reduction of 10%. We could do a 3.5% followed by a 13.5% or we can lower all the 13.5%, but it is about \$810,000 a year for that \$15 million dollars. We have some flexibility with how we put it into the rate plan, because we have some reserves, but that is still a significant drag.

6. Florida Trend's Apopka Economic Development Promotion

Presented by: Mayor Bryan Nelson and Cate Manley, President, Apopka Area Chamber of Commerce

Cate Manley, stated that on December 18, 2019 there was an agreement and approval signed by Apopka City Council in partnership with the Apopka Chamber of Commerce as an economic development initiative to create a dynamic economic development tools to be used by the City, the Chamber, and the community. On April 21st I was able to come in a present the deliverable, that was the GrowApopka.com website, which is a collaborative website between the Chamber and multiple investors that are a part of the Chamber that are leaders in industry in Apopka, who invested, also, in partnership with the City to be able to create that website. That website is updated and managed by the City's IT staff and myself. A couple of the other deliverables that were in the contract were a marketing piece, at least 500 pieces. A promotion video from the website was played. In future, she would like to discuss more opportunity for community and business connection, through a community app.

Commissioner Becker asked if we have any usage stats, just around the Grow Apopka website. **Cate Manley** said that she would get them for him. **Commissioner Becker** asked if we have any success stories from businesses that have utilized the Grow Apopka site. **Cate Manley** stated that most recently, the new Pub that is going into the old Cat and Vine location, reached out to her and let her know they are coming in from Canada and they need to have stats and demographics that have very specific dashboard on it. As far as she knows, they are still coming to town and starting the business. She also stated that there is another organization that came directly through the website; however, she cannot mention names, because they have not yet come before the council officially.

Commissioner Smith asked if we would have souvenirs for when we go to tri-city/county meetings that they can take in addition to the website. Other cities have other

items that they use to promote their cities. **Cate Manley** stated that she thinks that is a great idea, she has gone to other cities and taken photos of things that she believes would be great to have here in this community.

Commissioner Bankson stated that he is excited and this is such an important tool. He was on the committee when it was first started and this has everything from the attraction to the 'how to.' He encouraged everyone to go on to the website and stated that we now need to market the website. It is a great tool.

Commissioner Velazquez asked if the companies are bringing their own employees or do we have the labor force, here in Apopka. She also asked if we are still having the same amount of residence leaving Apopka. The purpose of trying to bring these businesses is to try to keep more residence in Apopka, so that certain businesses will consider moving into Apopka, especially restaurants. **Cate Manley** stated that when organizations call and ask about coming to Apopka, the first thing they ask about is our schools, our higher education, and workforce training. The Chamber has collaborated with another non-profit organization and applied for different grants, for workforce training. They have also gone to the County to talk to them about being able to bring workforce-training dollars in. We are looking at virtual programs, which can be run in 2,000 square feet. **Commissioner Velazquez** asked if any of the companies are considering internships for high school seniors and **Cate Manley** stated that that was part of their deliverables; from 2019-2021 they did partner with the Career Source Center Florida and Youth Works, and twenty-five of the Chamber companies were able to be internship locations for about 124 students. Some of the companies were still virtual and working from home, themselves. Last week the new Youth Works director came in and she stated that they do still plan to take online and now that she knows that early, she can start promoting that early. **Commissioner Velazquez** asked what are the investor's top concern, when coming to Apopka that we are not providing immediately for them. **Cate Manley** stated that their top concerns are the workforce, the schools, and the green space. **Commissioner Velazquez** stated that she would like to see us try to create some passive green space, not dedicated to anything specific.

AGENDA REVIEW

Edward Bass said there are no changes to the Agenda.

PUBLIC COMMENT PERIOD

Leroy Bell, 2308 Blue Meadows Court, Apopka, FL 32703 said that he wanted to follow up on the early voting from the last meeting. He is glad and he appreciates the Council taking that up. He understands that we will have early voting, but it is up to Ms.

Bone about that time and pursuant to the Supervisor of Elections. Pursuant of statute 101.657 early voting can be up to twelve hours. I would just like to add, just a few days ago, everyone sitting on the dais, expect for Ms. Bone, I saw in the Martin Luther King parade, and I would like to ask was that just perception? Was it just for show? Just like the Chamber just showed the Mayor, it seemed to me more like a campaign add, just trying to draw people in. Someone, I think it was Mr. Brian, he did a presentation. I heard Mr. Cooper state last meeting that all the money is going way out in west Apopka. I heard Commissioner Smith; he would like to see a put-put course out there. I would like to see a community center, in the City of Apopka, right over there. Martin Luther King stood for people voting. Everybody. I would like to ask the Council, would you allow the people to vote, so that we can get a chance to get us some representation on this side, so that maybe we can get that put-put course.

Michael Cooper, 700 Cooper Commerce Way, Apopka, FL 32703 said I want to clear the air on my comments a couple weeks ago, in reference to somebody indicated, in the city, that I was coherence in my comments. I want everyone to understand and realize that nobody coerces me to do anything. I am my own person, I speak from my heart and that is all there is to it. Next problem, homeless, between Hawthorne and First Street. Mayor you indicated, in a pamphlet that I read, that you partnered with many entities, which you got a lot done and I appreciate that. I am asking you to partner with Cooper Construction Company, we will provide the man power and the equipment to clean a piece of the easement or right-of-way for the railroad. If you guys will provide the dumpsters and the trucks and depose of the debris we will clean the stretch up 100% and prior to clean it up let's give the homeless people at least 30-days to vacate, before we clean it. It is just a matter of time before we have a major accident. They are already harassing the people at the BP; every morning they harass the girls there. These kind of things we have to try to get rid of. I talked to Bishop who is a general manager of the railroad; he indicated that he had no problem, if we would turn around and clean it up. I talked to him last Thursday and he indicated that he would get out there right away and start cleaning. Within an hour, he had a backho out there, but the only thing he did was take some of the palm trees that were there and put it along the aisle ways so that they homeless could not get in. That was a joke because the homeless can walk right through the palm trees, but he did make an effort to do something. If you guys will partner with me, we will get out there and clean it up. I challenge the City to get an act of some type together, to put these homeless people to work someway, somehow. Do not give them any money, if they do not work.

Mayor Nelson said that we are happy to help with that, but the property in question is in the County. However, just across the street it gets to the City, so we are happy to help, so we will reach out to our partners at the County to see what we can do.

Pamela Ripley, 1037 Mill Run Circle, Apopka, FL 32703 said, I want to let you know how happy I am. It seems that the Sheeler Oaks Drainage Improvement Project now seems to be complete. It has been a long and difficult process, but there are still two issues, since the 2019 flood of my house. I have been sending emails since last fall, so I am now asking your help to try to resolve these last two issues. First, my irrigation system was damaged during construction and I was told by Mr. Bass to have the repairs made and send in the invoice for reimbursement. I did so on September 19th, but instead of being reimbursed from the project budget, I was told to register with the City as a vendor, so that the reimbursement can come as income paid to me so that the City could report it to the IRS and avoid backup withholding. This means that I would have to declare the reimbursement of the irrigation repairs on my income tax return and I'd have to pay taxes on it. Because of that, it would cost me more money and I would be losing out on the reimbursement, so I do not understand why the reimbursement is not being paid from the project budget as an expense, because I know there was adequate funds in the budget to do so. Secondly, although we had flood insurance to cover the structural damage on the house there were some costs that were incurred that were over and above the structural damage. I originally filed claim for these on July 30, 2019 but it was denied; we were not given the reasons for the denial because the City said it was proprietary. Therefore, we could not file an appeal because we were not told why it was denied. After reviewing the drainage consultant's report, that was authorized by the City and prepared by the engineering company, VHB, I decided to request a review of the claim. The drainage improvement project that was based on this report stated that the storm water runoff exceeded the capacity of the drainage inlets and they recommended that nine inlets be installed in the vicinity of my home to alleviate the flooding. There were also issues with the maintenance and pumping of Lake Hammer, as the operations manager of streets and grounds, at that time, was unaware of his responsibility to pump down the lake as per the permit that had been issued by the St. Johns River Water Management District. Due to this and other reasons, I contacted the City's risk management specialist to request the claim be reviewed. I received a second denial, even before I submitted any documentation and without even being contacted by the claims adjuster. Mr. Bass called to warn me of the mistake in denial, so I then sent an email to Jessica Jenkins of John's Eastern on October 26th stating my reasons and I provided documentation for the claim to be reviewed. I received a single two-word response on October 27th and nothing sense. I have sent emails on December 2nd and December 14th requesting a status update and volunteering information and any documentation that they may need. I have been assured on emails and conversations with Mr. Bass that he would follow up with this, but I have heard nothing. I have copied all of you on this, but since I have had no responses on my emails, I figured I needed to come before you and plead my case. It is clear that my house flooded due to the inadequate storm sewer system, but it has been fixed. I fixed my house with my flood insurance, so I am only asking to be reimbursed for the irrigation repair and the expenses incurred that were over and

above the flood insurance. It has been 2.5 years since the flood and we are still dealing with all of this.

Edward Bass said that he has worked very hard on this issue for Pam. As far as the sprinkler reimbursement, as you know Mayor and City Council, the City cannot write a check just for anybody. We have the information to put into our system; we are required to have a W9 from each person, in order to issue a check. Our expenditures are audited and if we do not have that information, we cannot write a check. I will tell you it is a reimbursement, I am not a tax expert and I am not giving any tax advice, but I will tell you that we have done this before. We do not report the reimbursement to the IRS as income. If we issue a reimbursement check, it will say that it is a reimbursement for damages for property.

Commissioner Becker questioned that registering, as a vendor requires a W9 and **Edward Bass** stated that we require it for each one of our vendors. We have to have a tax ID number or SSN on file to issue a reimbursement check. **Commissioner Becker** asked, so absent this particular scenario, if there is any scenario in play where we claim ownership of an issue, we burden the person receiving monies to go, because we cannot do it from a system perspective or a legal perspective. **City Attorney Michael**

Rodriguez stated that the IRS requires a payee of the City, not vendor, to have a W9 filed in order for there not to be backup withholding, to the city. The reason why a W9 is requested is for us to comply with the IRS regulations for payees and vendors. As an individual is not a vendor, an individual is a payee that is receiving funds from the city; therefore, a W9 is required pursuant to the IRS. **Commissioner Becker** asked what the dollar figure for this particular scenario is and **Pam Ripley** stated that the irrigation repair was \$560.32. **Commissioner Becker** then asked is there an agreement that the City is paying that or is there a disagreement of not wanting to sign up as a W9 payee. **Pam Ripley** stated that they said they would pay it. **Michael Rodriguez** stated that the issue is that once we agreed to make the payment, we required a W9. **Pam Ripley** stated that she questioned it because of confusion with the email. She will do it, as long as it is not considered as income to her. **Edward Bass** stated that the insurance company was supposed to contact Pam directly and he was under the impression that they had already done that, but he will contact them tomorrow and request a status update.

Commissioner Bankson stated that the bottom-line for her that it is not income, it is a reimbursement. **Pam Ripley** stated that she is asking to be made whole on things that were over and beyond her insurance, (i.e. content, storage fees, etc.) **Commissioner Velazquez** asked her what did she file for, what is the cost and **Pam Ripley** stated that she has not put everything together such as invoices for the pods, etc.

David Hoffman, 3610 Tayside Court, Apopka, FL 32712 said November 2, 2021, Fields of Fame, Ampetere meeting with Rocks Springs Ridge residence, Mayor Nelson and the City Council pulled the plug on the City's involvement with their community as

they struggled to stave off any further unwanted development, in already built out neighborhoods. A thirteen-year long struggle. You threw us under the bus, you threw us to the wolves. You are a buff service to your constituents at whose pleasure you are supposed to be serving. At that November 2nd meeting, the City Attorney Michael Rodriquez dominated, citizens and we homeowners were muzzled. No opportunity for comments or questions. Showing little respect for our citizens, you city officials were wrong. On a person level, we are not aware of any instance of local officials enabling a disservice on our communities. Very likely, my wife and I will have to sell out green home, for which we have worked so hard over 54-years of marriage and flee.

Rogers Beckett, 7 W. Main Street, Apopka, FL 32703 said a month or two ago the Council issue that residents would have to be responsible for repairing or having their backflow meters checks and he wants to know has that been put in place and what's the time frame set to get that information out the residents. **Commissioner Bankson** stated January 31st. Rogers Beckett went on to state that in regards to the Harmon Road property it came to that the City would possibly sell the property to binge development, so he asked if that has taken place and the response was no. He then asked what are the plans, at this point.

Russell Drake, 4434 Bradley Avenue, Orlando, FL 32801 said that he is a community advocate and he came to speak on the issue of early voting. He must give credit where credit is due; between the 14 municipalities in Orange County, none of them has early voting locations for the municipal elections. You all have the opportunity to be the first city within this county to do so. Being the second largest city in Orange County, I think it's a great thing. With that being said, I hope that it is done right and that it is open to everyone and we get the time frames necessary. I am hoping that it is open twelve hours, but I know that it is open to resources. He thanked the Council for their time and the opportunity to speak before them.

Monique Morris, 1019 Ocoee Apopka, Road, Apopka, FL 32703 said Dr. Martin Luther Kings most persistent question was 'what are you doing for others?' So Mayor Nelson, Commissioner Bankson, Commissioner Velazquez, Commissioner Smith, Commissioner Becker, Chief McKinley, Chief Wylam, Officer Wiggins, The Apopka Chief, John Perry, Theresa Sargent, John Rickerson, Carolyn Ray, I want to say thank you from the bottom of my heart for everything you did to make our 13th Annual Martin Luther King parade a success. To look down the street to see out police officers coming down, with our chief leading the way, and then our fire fighters at the end, bringing it up from the rear. I tell you, whenever I call Chief McKinley he never exchanged words, he said 'Monique, you got it. Whatever you need Deputy Chief Miller will take care of it.' And Officer Wiggins is always right there to help in everything that we do. Chief Wylam, I do not know you that well, but I will get to you know, but you are doing a great job and thank you so much. I just want to say to the City, to the Commissioners,

and to our Mayor, thank you, thank you, thank you, and I love you and there is nothing you can do about it.

Mayor Nelson thanked Monique in return and stated that it would not have happened without her, for sure.

Sylvester Hall, 3091 Rolling Hills Lane, Apopka, FL 32712 said I come to challenge the board's moral conscience today. Commissioner Velazquez, Commissioner Bankson, Mayor Nelson, Commissioner Smith, Commissioner Becker. We are in a leadership position and our country today, needs leaders to stand up and lead. Lead, follow, or get out of the way. I retired out of the Navy in 2003. He teamed up with Mr. Beckett Rogers, South Apopka Safe Neighborhood. When you are dealing with poverty and trying to make a difference in the community, you cannot have one foot in and one foot out, it is a total commitment. My goal is to end poverty in the United States of America, starting with South Apopka.

CONSENT (Action Item)

1. Execute Release of Code Enforcement Lien for Larry Edris Hunt - 1765 Grand Oak Drive, Apopka, Florida.
2. Approve and authorize the City Administrator to execute the agreement with the Orange County Supervisor of Elections for the municipal election to be held on March 8, 2022.
3. Re-appointment of Steve Brick as Chairman of the Police Retirement System Board of Trustees.
4. Authorize the issuance of evaluated and sole source memos.
5. Accept the disbursement report for December 2021.

MOTION by Commissioner Bankson and seconded by Commissioner Becker to approve the consent agenda. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

BUSINESS (Action Item)

1. Approve the EPG 700 Hermit Smith Road Major Development Plan Revision
Owner: Chris Haase
Applicant: Gerdome Engineering c/o Andrew Gerdome
Location: 700 Hermit Smith Road
Project: 7.37 +/- acres
Project Manager: Allyson Williams

Allyson Williams stated that the subject property is located at 700 Hermit Smith Road. On October 2, 2021 the City Council approved the major development plan for EPG 700

Hermit Smith Road. Review of the building plans revealed that loading bays were on premise and commercial vehicle repair will be conducted on site. The revision is seeking approval to allow commercial vehicle repair on site, which is permitted in the light industrial zoning district per ordinance number 2877. DRC and planning commission unanimously recommends approval; the staff and applicant are here for any questions.

Commissioner Bankson asked if the repairs are something they are wanting to do on the lot or do they have a facility. **Allyson** stated that it would all be conducted inside a facility.

MOTION by Commissioner Bankson and seconded by Commissioner Smith to approve the EPG 700 Hermit Smith Road major development plan. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

2. Approve and authorize the City Administrator to execute the Agreement with the Orange County Supervisor of Elections for early voting at the Apopka Community Center.

Presented by: Susan Bone

Susan Bone, City Clerk, said that during the January 5th meeting this council requested that we look into the early voting, to be held at the Apopka Community Center. Accordingly we contacted the Orange County Supervisor of Elections to provide the necessary information, requested cost estimate and a facility use agreement. The last time this city had a stand-alone early voting was in March of 2006. At that time it was held at the Gilliam Training Center, which is now our City Healthcare Center. It was held March 7th – March 11th from 8:00am to 5:00pm. Since that time there has been no stand-alone election for early voting, in the City. During those times, when early voting was held, it was down at the Orange County Supervisor of Elections. On the agenda tonight we have the agreement for the facility use for early voting beginning on Tuesday March 1st and ending on Sunday March 6th between the hours of 8:00am and 5:00pm; however, this morning, we had a request to extend those times from 7:00am to 7:00pm to accommodate more citizens and provide them time to come after work. The council has been provided with a spreadsheet with options to accommodate that. Whatever the Council's wish is, is what we will ask the Supervisor of Elections to amend the agreement for.

Commissioner Velazquez stated that in 2006 that early voting was held for one seat, Seat 1, which was held by the late Commissioner Billy Dean. She asked how many citizens voted during that early voting and Susan Bone stated 223.

Commissioner Becker stated that the justification is there, it does not matter how many seats are on the ballot or what happened in 2006. If you look at the past two elections for the City of Apopka; in 2018, which was the last Mayoral election only 62 people early voted a 1% turnout. That is because it was in Orlando, if you fast forward to 2020 about 75, 000 people cast ballots for seats 3 and 4, early voting represented 2,400 people or 32% of the vote. If you extend as many channels as possible to vote, you are going to get the people that engage in the process. That is invaluable, it is priceless and I would venture to say that we extend it to the full period as established calendar wise and do it from 7am – 7pm. **Commissioner Velazquez** stated that most residence in south Apopka do not have the ability to go down to Orlando and they like the convenience of the Apopka community center because they can literally walk to it. Although the residence in Rock Springs Ridge still have to drive, I have a lot of seniors and widows that will not drive to Orlando, but they want to vote in person. They can get a neighbor or a family member that can get them there, usually after 5:00pm, because most of the people are working. I do recommend that we do the early voting from 7am -7pm. **Mayor Nelson** stated that we were at \$13,100 if we do the 8a-5pm, Tuesday through Sunday. If we did Thursday – Sunday from 7am – 7pm it would be slightly more, so about \$13,900, less than \$1,000 more. Commissioner Velazquez asked when is early voting, down on Kaley Street and Mayor Nelson said 8am -5pm, without Saturday or Sunday. **Commissioner Smith suggested** that we go option two and Commissioner Velazquez said that option two is Tuesday to Sunday from 7am – 7pm. She also recommended this option and stated that by changing the day, you are still taking away the opportunity for residence to vote. **Commissioner Bankson** stated that it is \$8,005.26 more to extend the hours and keep full amount of days, which is \$1.06 per voter difference. This is what we are looking at to make it convenient for our voters.

David Rucker, 4557 Frisco Circle, Orlando, FL 32801 said that Florida Statute 101657 says that a choice must be made 30-days prior. He agrees with having early voting here in Apopka, instead of going 15 miles away to vote.

MOTION by Commissioner Smith and seconded by Commissioner Bankson to hold early voting Tuesday March 1st through Sunday March 6th from 7am -7pm. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

3. Mayor's Amended Proclamation - City of Apopka Early Voting Election 2022.
4. Authorize to negotiate RFP 2021-09: Developer for Downtown Apopka Station Street Project.
Presented by: James Hitt

James Hitt, Community Development Director, stated that this subject is for the downtown Apopka Station Street project. The request is negotiate with the applicant that submitted. The staff did advertise a request for the proposal, which I will be referring to as an RFP, to seek a developer for the downtown Apopka Station Street project. The request did include the following requirements: as a summary it was a mixed use development consisting of residential or either apartments or condominiums, commercial units on the first floor, an open space, event area three quarters to an acre and a pavilion for a farmer's market, craft fair, movie night, and parking. The specifics for the development area were included in the RFP; there were about six different downloadable attachments. Advertising began August 22, 2021 through Friday, October 15, 2021. It was basically 54 days that was extended because we actually had seven different people who sent in questions and we provided answers for those, for the application itself. The advertisement was placed in the Orlando Sentinel and posted in the Open Gove Procurement website which did have 734 registered vendor firms that were notified and 31 vendor firms did follow the project. On October 15, 2021 we did have one submittal that was received from Standard Investments and Holdings, LLC and a single submittal from the competitive solicitation is allowable per the City Purchasing Policy. An evaluation committee was formed consisting of the myself, as the Community Development Director, Shakenya Harris-Jackson, the Grants Administrator, Nicole Kennedy, The Sustainability Coordinator, Kenneth Goodwin, Executive Director. The co for Homes in Partnership, and Monique Morris, our Apopka Citizen. The committee reviewed and assessed the submittal based on the scoring criteria outline in the solicitation. Qualifications for the development team included the quality of the design proposal, value to the city and viability and financial return. On January 12, 2022 a virtual evaluation committee meeting was held and the meeting was advertised on Open Gov and was open to the public. They cannot make any comments, it is just for the review committee to comment, review the scoring criteria, and if there were any opportunities to change their score, that was done and offered at that time. The overall final scoring for the Standard Investments and Holdings LLC was 86 out of 105. All five members of the evaluation committee meeting are recommending an intent to negotiate with Standard Investments and Holdings, LLC. The evaluation committee has provided the following comments to be considered for further clarification and recommendation to be negotiated with the Standard Investments and Holdings, LLC. The appraisal of \$900,000 would be included with the potential RFP award; the \$250,000 that was offered could be waived in exchange for the development and of the site and of the development of the event space; complete a development agreement in the construction time period is described in the RFP, the start would be within two years and completed within four; complete the event space within three years and turned over to the City for operations; minor commercial space on Southcentral, possibly for up to two units with either a separate building or combined with the first floor of a residential building. Negotiations with the selected proposal may include changes to any of the conditions

submitted by the proposer. Terms and conditions may require changes to timeliness, pricing, renderings, or any other listed items in the submittal content in the RFP. The City and Standard Investments and Holdings LLC would enter into the negotiations for a time of up to 120 days and if the city and selected proposer have not concluded negotiations or executed the necessary agreements, within 120 days, the City Administrator may extend the negotiation period for an additional 120 days. If we cannot make a decision, the City Administrator may return to City Council to terminate further action under this RFP. If an agreement is successfully negotiated and signed by the proposer, the signed agreement, along with the recommendations of staff will be presented to City Council. The recommended action is to authorize staff and the City Administrator to negotiate a contract with Standard Investments and Holdings LLC for the development of the downtown Apopka Station Street project.

Commissioner Becker asked if the ‘silence’ excludes us from having a concept plan. He stated that last bullet of the lead –in packed and the last bullet states “minor commercial space on South Central Ave, possibly two units with either a separate building or combined on the first floor of a residential building that’s described in the RFP.” He stated that he thought the RFP stated that all of the residential would have commercial on the first floor, but this one says it might be and it may be small. **James Hitt** stated that we did want commercial but the applicant does have that right to submit something different. **Commissioner Becker** stated that the idea of having the central downtown corridors and the aspect of commercial being that is that people actually go to your downtown. With us saying ‘minor’ it does not reconcile to what the spirit of the RFP was. He stated that the biggest red flag was that we put an RFP out and we only get one response. He stated that it should be publicly known that the parties that have interest in this project also have ties to people that are running on this council currently by the tune of 654 Ventures as well as advisors. So, in combination of it’s a one-bid response, there is multiple interest of the people that are bidding that have direct ties to campaign contributions for a member of this council.

Commissioner Velazquez asked what the desire of the committee for the council is. **James Hitt** stated that they would like the council to endorse the committee and staff to go back and negotiate a contract and development agreement for the development of the Station Street Project. **Commissioner Velazquez** asked when it was out for bid, how many days was it out for, and the response, from **James Hit**, was 54 days. **Commissioner Velazquez** asked if anyone else put a bid in. James Hitt stated that we had seven different developers submit questions in regards to clarification to the project itself or for any other background information. **Commissioner Velazquez** asked what some of the questions were and **James Hitt** stated that one of the questions was regarding the Brownfield area, so we provided all the Brownfield information. The other one was whether the streets could be vacated and that was another positive response.

They were looking for the total property available; the 3.43 acres, with the vacate. It was general specifics as such. **Commissioner Becker** questioned the contact method to developers and questioned why no personal contact was made. He stated that decision makers in organizations are going to want to feel that what they are about to enter into is going to be a great investment for them. If no one on our staff is selling them on that vision, then that is why we get one RFP response. **City Attorney Michael Rodriguez** stated that once a matter is advertised there is a code of silence and local government cannot solicit nor try to advertise itself to bidders without violating that code of silence. **Commissioner Becker** asked if no contact what so ever is permissible and **Michael Rodriguez confirmed** no. **Commissioner Becker** responded thank you; thank you for that being on the record. **Commissioner Velazquez** stated that she would like to have a copy of the recording of the committee meeting.

Edward Bass reiterated the bid process and where it is today.

Commissioner Becker stated that there has been max contributions to the Mayors re-election bid from interest tied to the LLC who are the single bid that put the bid in for the process. That alone should be enough for this to go back to market and he will put forth the motion that we reject this bid and put the RFP back out to the market.

Commissioner Bankson asked how other people not responding reaches the place that there are shenanigans going on. He stated that he is uncomfortable that there is only one bid. **Commissioner Becker** stated that that is where he was at first, but when he looks into things, one of the interest in that LLC hosted a campaign event for one of the people running for this council and another one was a max donor in the contribution list that the Apopka Chief just printed. So that everyone feels that this is on the up and up and the most valid process, this should go back out to market. **Commissioner Smith** asked if the RFP included that we would like to have minority participation as part of this project. James Hitt stated that he does not remember it being a part of the RFP and **Commissioner Smith** asked if we can negotiate that, as a part of the contract and the response was sure.

MOTION by Commissioner Becker and seconded by Commissioner Smith to reject the bid Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

5. Approve the Settlement Agreement between City of Apopka, N.E.B. Group, Inc., David Sulik, and 3 Rivers Billing, Inc. in resolution of outstanding litigation matters.
Presented by: Michael Rodriguez

Michael Rodriguez stated that one of the biggest issues he had in regards to this litigation was the EMS billing that NEB was processing on behalf of the City. Those were public records that were in possession of third party. I had two specific issues: 1) the contract between the City and NEB had expired, City deemed as part of the complaint that was drafted by my predecessor that that contract was breached and therefore terminated. During the pendency of the litigation and discovery, it was discovered that NEB did not hold the City's records, but the records were passed on to a third party in which the City had no contract, that is where Three Rivers Billing comes in. Three Rivers Billing, through a cloud based storage system is holding the EMS records from 2007-2019 when the contract with NEB was terminated. The City did not have the ability to obtain those records and now Three Rivers, as the licensed holder to this cloud based storage system, had the control of the EMS billing records, which contained HIPA private information. One thing that we were trying to obtain, as part of our settlement in this case was that the City needed to get its records back. This turned into an IT issue. We came to an agreement, which mandates that both NEB and Three Rivers will cooperate with Central Square to allow the transfer of all of the raw data from 2007-2019 over to the City. The City will purchase a license from Central Square, which will allow us to be able to read the data. That transfer will also render Three Rivers unable to access the City's data. The second component of the settlement agreement states that the City and NEB will enter into an agreement similar to the one that we currently have with our current EMS billing provider. That agreement will ensure the property safekeeping and guarding of all HIPA private information that is held by and can be accessed by Three Rivers. This will protect the City's information in the event of a breach. He stated that this settlement is in the best interest of the City.

Dennis New, 105 W. Magnolia Street, Apopka, FL 32703 stated that an RFP is a lot like an opinion. You can put out an RFP that can eliminate bidders or include bidders. The problem that I have is that the RFP was agreed to or submitted by a man that has given maximum contributions to you, Mayor Nelson, from his own pocket and from his LLC. As a citizen of this city, I come before the board to ask each member running for officer; if you get campaign contributions from somebody that has an interest like this, you should exclude yourself from any vote to do with anybody that has donated to your campaign or that you have had person interaction with. Otherwise, I will file a complaint with the State of Florida Ethics Commission and see where it goes.

MOTION by Commissioner Bankson and seconded by Commissioner Velazquez to approve the settlement agreement with NEB and Three Rivers. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Resolution No. 2022-02 - FY21/22 Budget Amendment
Presented by: Gladymir Ortega

Gladymir Ortega, Finance Director, said this is a resolution 2022 regarding the 2022 City of Apopka General Election. For the business item held on today's agenda for the Orange County Supervisor of Elections 2022 facility use agreement intended for early voting, at the Apopka Community Center, I am requesting and recommending a motion for adopting resolution 2022-02. The amount that you have in front of you will change to what we agreed to this afternoon to \$21, 200, which is option number two.

MOTION by Commissioner Smith and seconded by Commissioner Velazquez to approve Resolution No. 2022-02. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith & Velazquez voting aye.

CITY COUNCIL REPORTS

Commissioner Velazquez stated that it was an honor to be at the Dr. Martin Luther King, Jr parade. She also reminded people that we have the Saturday Sounds.

Commissioner Bankson bought up an article that he read about a 3D printed home and he handed out literature to the council to read over. He felt that it would be something good to look into when it comes affordable housing.

James Hitt stated that he has about five websites that all have to do with the 3D printed homes and we actually have a property owner that is looking to bring a 3D printed to the south side of Apopka.

Commissioner Smith thanked the City Council, Mayor, and all else involved in the parade. He also talked about backflow prevention courses that will start next month.

Commissioner Becker stated that he and his family had a wonderful time and it was beautiful day.

CITY ADMINISTRATORS REPORT

Edward Bass said he did not have anything additional.

CITY ATTORNEY'S REPORT

Michael Rodriguez said that it is that time of the year and he will be preparing summary of all bills that will effect local government and when the session ends he will provide the council with a report.

MAYOR'S REPORT

1. Discussion of Gator Growers Nursery Property Acquisition to expand Camp Wewa. Rick Gonzales reached out to him about this property from Bonnie, who is the widow, is willing to sell it to the City for \$800,000. Each Council member has that letter. The City can only pay appraised value and we would need to do a phase two audit, because it was a nursery for 50+ years. He would like to know if the council would like to move forward. **Commissioner Bankson** stated that he thinks this would be worth pursuing. **Commissioner Velazquez** stated that it needs a lot of cleaning up and she asked if we move forward then realize that it is not a good investment, can we withdraw from it and the response, from Mayor Nelson, was yes. **Commissioner Velazquez** stated that she does not know if it is worth the investment. **Commissioner Smith** stated that he thinks it is worth getting an appraisal. **Commissioner Becker** stated that he is against it because we do not have an identified funding source. **City Administrator Edward Bass** stated that we can do the appraisal and staff can search for funding sources. **City Attorney Michael Rodriguez** stated that it would comfortable for staff to bring this back to a subsequent council meeting with a presentation, for council to evaluate as a business action. At that time council can vote on actions forward.
2. COVID Update
Numbers are coming down, but they are still extremely high. Orange County is at 34%. Our site here at Edwards Field is at 28% and State of Florida at 29%
3. South Apopka Ministerial Alliance Dr. Martin Luther King Jr. Parade.
Big shout out to Monique Morris; we had 87 entries, it was an amazing event. Thank you Commissioner Smith for your help as well.
4. Prudential Pension Agreement
Prudential overpaid some of our employees in all three-pension funds: police, firefighters, and general, just shy of \$10,000 and they were trying to figure out a way to call back the dollars from our pensioners. They agreed that that would not happen and we have an agreement that they will eat that cost and going forward the pensioners will get the correct calculations.
5. On-Site Media
On-Site Media is the boxes around the traffic poles. There are 16 of them that Molineux has purchased for the next six months and Molineux has agreed to take the two best sides of the box and they have offered the City of Apopka one side. We are trying to

think of things to put on those 16 boxes. All we have to do is pay for the artwork to put in to boxes.

ADJOURNMENT - There being no further business the meeting adjourned at 11:50 p.m.

Bryan Nelson, Mayor

ATTEST: _____
Susan M. Bone, City Clerk