CITY OF APOPKA

Minutes of the City Council regular meeting held on November 6, 2019, 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT:	Mayor Bryan Nelson Commissioner Doug Bankson Commissioner Kyle Becker Commissioner Alice Nolan Commissioner Alexander Smith City Attorney Joseph Byrd City Administrator Edward Bass
PRESS PRESENT:	John Peery - The Apopka Chief

INVOCATION – Pastor Joe Bankson, Victory Church

PLEDGE – Mayor Nelson introduced Miranda Rodriguez, President Pro Tempore of the SGA Senate. Miranda is also a Captain on the Apopka Volleyball team, an FCA officer, and a member of BETA & NHS. She said on this day in American History, November 6, 1860, Abraham Lincoln was elected as the 16th U.S. President and the first Republican. He received 180 of 303 possible electoral votes and 40 percent of the popular vote.

APPROVAL OF MINUTES

1. City Council regular meeting October 16, 2019

   MOTION by Commissioner Nolan, and seconded by Commissioner Bankson, to approve the minutes of October 16, 2019 regular meetings. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye. .

AGENDA REVIEW –. City Administrator Bass advised there were no changes to the Agenda.

PROCLAMATION:

1. Mayor Nelson read a Proclamation proclaiming the City General Election March 17, 2020. Qualifying starts at noon on December 2, 2019 and ends at noon on December 9, 2019.

2. Mayor Nelson read Week of the Family Proclamation and presented it to members of the Orange County Week of the Family Committee.

PRESENTATIONS:

1. Fire Department Operational Update.
   Chief Wylam provided an operation update for the Fire Department. He reviewed and explained how Fire Administration applies a risk assessment to the entire community and make sure resources are focused where needed the most. He stated the City of Apopka has over 34,000 structures the Fire Department protects, and of those there are 29,000 that are low risk, 4,000 medium risk, and 211 that are high risk. He advised they are establishing a target hazard program to implement. They looked at the number of calls per station, calls per unit per shift, and evaluated the shift roster from January 1 through October 31, 2019. Based on the volume of calls personnel was adjusted, and this has also accommodated up to 5

personnel on PTO per shift without causing overtime. A copy of his presentation is on file in the Clerk's office.

PUBLIC COMMENT

David Hoffman said he lives in Rock Springs Ridge and expressed concerns of Mr. Delarosa's plans in this neighborhood. He stated a meeting was held at City Hall on October 29, 2019 for the purpose of Mr. Delarosa's lawyer to present a new revised building development plan to representatives of the Rock Springs Ridge HOA board. He declared the HOA representatives informed the legal counsel for the Rock Springs Ridge Golf Club that the current PUD as well as research findings by Gary McSweeney show that Mr. Delarosa does not enjoy any building rights at Rock Springs Ridge. He said the current PUD is their firewall and it was up to Council to protect this firewall for them. He stated at a prior meeting he had asked questions that were never answered.

Mayor Nelson told Mr. Hoffman to send an email to him regarding the questions and he would respond to it.

CONSENT (Action Item)

1. Approve a Landscape Construction and Maintenance Memorandum of Agreement with FDOT to install and maintain decorative crosswalks at the intersection of S.R. 436 and McGee Avenue.
2. Approve the contract with DAO Consultants and Orlando Apopka Airport Inc. for verification of the Apopka Regional Airport Drainage System in the amount of $4000.00..
3. Approve the second extension of the Contract for professional engineering services with Wright-Pierce, Tetra Tech, Inc., and Reiss Engineering, Inc., for a period of one year.
4. Authorize the City Administrator to sign a contract with the Orlando Philharmonic Orchestra.
5. Approve the purchase of a Vactor 2100I Plus Truck from Environmental Products Group in the amount of $411,683.00
6. Approve the purchase of a Cues TV Inspection Truck in the amount of $318,985.00.
7. Ratify the purchase request for a Rear Load Sanitation Truck from Tampa Crane in the amount of $293,543.00 as an emergency purchase.
8. Authorize the Police Chief to sign and accept the grant awards from the Department of Transportation.
9. Authorize the issuance of blanket purchase orders for fiscal year 2020.Mayor Nelson opened the meeting to a public comment. No one wishing to speak, he closed the public hearing.

MOTION by Commissioner Nolan, and seconded by Commissioner Smith, to approve nine items on Consent. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

BUSINESS (Action Item)

1. Approve the Right-of-Way Transfer and Continuing Maintenance Agreement between Central Florida Expressway Authority and the City of Apopka for a connector road.

   Pam Richmond, Transportation Planner said the City desires to install decorative crosswalks at the intersection of S.R. 436 and McGee Avenue. This is a safety enhancement project and a beautification project adjacent to the City Center. FDOT requires an agreement to allow a modification such as this. She affirmed City Council approved funding for this project October 16, 2019. The City will be required to maintain the decorative crosswalks once they are installed.

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

MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve the Right-of-Way Transfer and Continuing MOA agreement with the Central Florida Expressway Authority for a connector road. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

2. Approve the proposed Public Safety Radio Communication Tower site and enter into an Agreement with CFX to erect a City-owned tower on the site.

   Ms. Richmond said in 2016 the City purchased a radio communication tower from Motorola for $2.7 million. The plan was to place the tower on the north side of the City due to reception problems for our first responders. She advised the initial site fell through and our partners at CFX had a site available to the City. She pointed out the location on a map and advised the tower can be erected at this site. In order to erect the tower on this site the City will need to enter into an agreement with CFX which is a 10-year agreement with 10 annual renewals. The City will share 50% of revenues made from the tower. Lake County will be on the tower, but will not benefit from revenues. CFX added a condition that the tower needs to be operational within 18 months. The recommendation today is to approve the agreement with CFX. A budget amendment will be brought before Council at the next meeting to cover additional incurred costs. She advised there would be costs associated with site preparation.

   Mayor Nelson advised Lake County would be asked to help with the associated cost of site preparation. He added that Lake County would have a free spot on the tower.

   Robert Hippler, IT Director advised the initial quote was obtained in 2016 and part of the increase in cost is due to material increases over the past three years. He advised the site architectural, project management engineering services and micro-engineering management were paid for at the Lake County site and part of the contract. Because the site has now changed, we will need to do this same work at the new location.

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

   MOTION by Commissioner Nolan, and seconded by Commissioner Becker to approve the Public Safety Radio Communication Tower site and enter into an agreement with Central Florida Expressway Authority. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

3. Authorize the City Administrator to sign the Event Service Agreement with The Birchmore Group for concert series.

Brian Foreman, Parks and Recreation Director said a monthly concert series has been planned at the amphitheater in 2020 provided by the Birchmore Group. The eight monthly events planned for Friday evenings for the enjoyment of the residents of Apopka and surrounding community will have no fee charge to the public to attend these concern series. The events include a wide variety of music to include classic rock, country, R&B, jazz, pop, and reggae. He advised the contract calls for a total fee of $16,000, an average of $2,000 per event paid to the Birchmore Group for the eight events, which includes production costs. He stated funding was available in the current budget for this event. He stated they are also working on two additional concerts for the Spring of 2020 that will be ticketed events in addition to the Apopka Proud entertainment.

Commissioner Bankson inquired if there was any focus for the City to look into purchasing permanent lighting for the amphitheater. Mayor Nelson said when larger entertainment has as part of their contract exactly what they require.

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

MOTION by Commissioner Smith, and seconded by Commissioner Nolan to approve the Event Service Agreement with Birchmore Group. Motion carried unanimously with Mayor Nelson and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)

1. Ordinance No. 2743 - Second Reading - Amending Chapter 2, Administration, Article VII, Section 2-180, Fire Department Rates and Charges for Ambulance Transport

ORDINANCE NO. 2743

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, FIRE DEPARTMENT, IN GENERAL, SECTION 2-180 "FIRE DEPARTMENT RATES AND CHARGES," TO INCREASE VARIOUS RATES AND CHARGES FOR AMBULANCE TRANSPORT; PROVIDING FOR SEVERABILITY, CONFLICTS, AND EFFECTIVE DATE.

Wil Sanchez, Captain-EMS, provided an overview of the revisions to Ordinance No. 2743 as requested at the first reading. He said the first change was adjusting the rate for the ambulance standby to reflect the changes as suggested from the first reading. The second change is moving the ALS 2 rate moved up to the ALS 1 rate, which is an increase of $53.

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

MOTION by Commissioner Bankson, and seconded by Commissioner Nolan, to adopt Ordinance No 2743. Motion carried unanimously with Mayor Nelson, and Commissioners Bankson, Becker, Smith, and Nolan voting aye.

CITY COUNCIL REPORTS –

Commissioner Becker reviewed Lake Apopka Natural Gas Dividends and Infrastructure. He reviewed the history of the Lake Apopka Natural Gas consisting of three cities, Apopka, Winter Garden, and Clermont. There is a five member Board of which he and Commissioner Arrowsmith represent Apopka. He affirmed in FY 2018 a dividend fund was created within Lake Apopka Natural Gas for the benefit of the member cities and is funded at .01 cent per therm. He said we recently had Council create Resolution 2019-02 laying the framework of how this dividend fund is actioned. He stated the dividend fund needs to have a certain minimum prior to taking action within those funds. He reviewed the distribution and said the revenue distribution was pretty even. He pointed out if looking at therms, the City of Apopka does approximately 46% comparative. However, looking at dividends from a revenue perspective it is fairly equal among the three cities. He affirmed the District's current bond exposure is approximately $3.7 million. He advised if the 10% threshold minimum is adopted the threshold in the account is about $370,000. The current dividend fund is approaching $410,000.

The consensus of the Commission was to distribute based on the revenues.

Commissioner Becker said they are also looking at developments placing a certain number of homes with gas related appliances creating a natural gas demand. He advised the City of Leesburg has an ordinance with the requirement for new residential developments to extend main lines at the developer's cost so the infrastructure is in place. He suggested Council take time to review Leesburg's ordinance and contemplate if this is something Apopka may want to entertain.

Mayor Nelson said he would like to see Lake Apopka Natural Gas be a little more aggressive on the marketing side by contacting new developments rather than making it mandatory. He stated he would like to see if any statistics exist regarding home values that have natural gas.

Commissioner Smith asked if a map could be provided showing where the lines currently are located.

Commissioner Nolan said she had a couple of citizens reach out to her regarding the school zone in downtown Apopka. She thanked the City Administrator and Chief of Police for police presence.

Commissioner Bankson said he attended the Orlando Airport Association Board meeting last evening and the new development was a topic of great concern. He stated they appreciate the work the City has been doing, but they expressed concern regarding the Airport safety. He said it was his understanding that this was an aviation friendly development. The Board wants to make sure there is verbiage that protects them and the air space. He also mentioned work to get the FBO more up to date and additional repairs needed.

Mayor Nelson said there has been interest in purchase of the FBO and the developer would have an interest in a major upgrade to the FBO. He stated he has had mixed responses in adding to the runway so it is 5,000 feet making it an FAA Airport and said he would like to have a consensus on this. Commissioner Bankson said there has been interest in this, but the power lines and railroad were concerns.

Commissioner Smith thanked Mayor Nelson and our IT Department for attending the conference they had. He said Commissioner Bankson was also present and thanked them for their participation. He stated in January Council agreed the city would ask for funding from the state for a satellite FAMU campus in Apopka. This was not done because of the hurricane, but it is still a desire and said they are asking for the City of Apopka to donate land for the satellite campus. He said he has discussed this with Mr. Bass and Mr. Hitt and a site has been identified and this will be brought before Council at the next meeting.

Mayor Nelson said he would be comfortable in making this happen once funding is in place to make it happen, but he did not want to give up land without a commitment.

City Attorney Byrd advised an MOU be developed making the commitment contingent upon certain matters following through.

CITY ATTORNEY'S REPORT – No report

CITY ADMINISTRATOR REPORT – No report

MAYOR’S REPORT

1. Orange County Proposed 1 Cent Infrastructure Tax.
   Mayor Nelson said there have been two meetings that he and Mr. Bass have attended with other cities from Orange County to discuss Mayor Demings proposal to place a 1 cent infrastructure tax on the ballot for next year. He stated they are trying to come up with a consensus by a collective unit on whether to support this. He said the expected revenue is $635 million a year and 50% of that would be tourist dollars. He stated the term is 20 years, but that is flexible. Eligible uses of the revenue would be major road improvements, intersection improvements, pedestrian and bicycle, resurfacing, transportation system management, Lynx, and SunRail. He said Mayor Demings is wanting to double funding for Lynx to get rid of the deficit and add additional buses to the system. He said DeLand just passed on adding a SunRail station. He said SunRail is losing money, but the partners on the SunRail line will be paying almost $40 million in deficits. He said they presented two different means to allocate resources, one by ad valorem, but the more equitable way was based on the sales tax DOR’s which would provide Apopka with about $19 million a year. After taking out the money for SunRail and Lynx it is approximately $13 million for Apopka. The District 2 town hall meeting will be on December 5, 2019, 6:30 p.m. at Wekiva High School.

2. Duke Energy - Lighting Update
   Mayor Nelson reported there have been some accidents on Rock Springs Road and U.S. 441 and they have been working on replacing lights. He said 10 lights have been replaced and there are 6 additional to be replaced.

Pam Richmond said there is a three-phase plan in place for Park Avenue. Duke will be placing a light at Sandpiper right away. She advised Duke Energy's schedule is usually 4-6 months. Mayor Nelson added that 18 fixtures have been replaced with stronger wattage fixtures, 6 LED lights have been added where there is existing power.

Mr. Bass said they have been evaluating existing poles to determine if lights can be placed on the pole. Engineering is required to add a pole at a cost of $15,000 to $25,000. Phase 1 has been adding lights one existing poles where it can be done. Once this is done, they have been asked to provide pricing on what can be done with lighting on both sides, as well as new poles if required.

Commissioner Becker said a primary focus needs to be placed on funding lighting on Rock Springs Road from Welch to Martin sooner than later stating there are 25 poles in this section. Mr. Bass advised that not every pole there can take a light and Duke needs to engineer this area to determine where lights can be placed. He agreed with the need to move forward with the poles that can take a light.

ADJOURNMENT – There being no further business the meeting adjourned at 3**:39** p.m.

ATTEST: ______________________________
Bryan Nelson, Mayor

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Linda F. Goff, City Clerk