



**APOPKA CITY COUNCIL AGENDA**  
**September 29, 2025 6:00 PM**  
**Apopka City Hall Council Chambers**

**APOPKA CITY COUNCIL MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:**  
<https://www.youtube.com/CityofApopkaFL>

**CALL TO ORDER**

**INVOCATION**

**PLEDGE**

**PUBLIC COMMENT PERIOD**

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2025-19 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

**AGENDA REVIEW**

**BUSINESS (Action Item)**

1. **Approve the Sixth Amendment to the Memorandum of Agreement by and between St. Johns River Water Management District and City of Apopka for the District Conveyance of the Golden Gem Road Property to the City.**

Presented by: Vladimir Simonovski, Public Works Director

**ADJOURNMENT**

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.



## City of Apopka CITY COUNCIL STAFF REPORT

**Section:** BUSINESS (Action Item)

**Item #:** 1.

**Meeting Date:** September 29, 2025

**Department:** Public Works

**SUBJECT:**

**Approve the Sixth Amendment to the Memorandum of Agreement by and between St. Johns River Water Management District and City of Apopka for the District Conveyance of the Golden Gem Road Property to the City.**

**ACTION ITEM INFORMATION:**

**REQUEST:**

Approve the Sixth Amendment to the Memorandum of Agreement by and between St. Johns River Water Management District and City of Apopka for the District Conveyance of the Golden Gem Road Property to the City.

**SUMMARY:**

On May 15, 2009, the City of Apopka and the District entered into a Memorandum of Agreement (MOA) whereby the District conveyed to the City the Golden Gem Road Property. The conveyance was conditioned upon the City's commitment to design, permit, and construct a reclaimed water storage and aquifer recharge enhancement project on the property. Since the original execution of the MOA, the Parties have approved five amendments to extend the project completion deadline:

- First Amendment (April 9, 2014): Extended deadline to May 27, 2019
- Second Amendment (June 5, 2019): Extended deadline to May 27, 2022
- Third Amendment (May 23, 2022): Extended deadline to September 30, 2023
- Fourth Amendment (February 14, 2023): Extended deadline to March 31, 2025
- Fifth Amendment (March 31, 2025): Tolloed the deadline to September 30, 2025

The City has encountered several challenges that have delayed the completion and operational implementation of the project. In response, the City is actively developing a series of technical and feasibility reports to guide the next phase of work. These reports are anticipated to be finalized by late 2025 / early 2026.

To allow adequate time for the City to complete its internal evaluations and for both Parties to review the findings collaboratively, the proposed Sixth Amendment will extend the project deadline to May 29, 2026. This extension will support the development of a feasible and coordinated plan to fulfill the City's obligations under the MOA.

Staff recommends approval of the Sixth Amendment to the MOA to ensure continued progress and alignment with the District's expectations and the City's long-term water resource goals.

**FUNDING SOURCE:**

N/A

**RECOMMENDED MOTION:**

Approve the Sixth Amendment to the Memorandum of Agreement by and between St. Johns River Water Management District and City of Apopka for the District Conveyance of the Golden Gem Road Property to the City.

**ATTACHMENTS:**

1. FINAL - 6th Amendment for Golden Gem MOA
2. Golden Gem Road Property MOA Extension (Special Council Meeting Presentation)

PREPARED BY AND RETURN TO:  
Sharon Guaderrama  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, FL 32177

## SIXTH AMENDMENT TO MEMORANDUM OF AGREEMENT

THIS SIXTH AMENDMENT TO THE MEMORANDUM OF AGREEMENT (“Sixth Amendment”) dated this \_\_\_\_ day of \_\_\_\_\_, 2025 (“Effective Date”), by and between ST. JOHNS RIVER WATER MANAGEMENT DISTRICT, a public body existing under Chapter 373 of the Florida Statutes, whose mailing address is 4049 Reid Street, Palatka, Florida 32177 (the “District”) and CITY OF APOPKA, a municipal corporation existing under the laws of the State of Florida, (the “City”), whose address is 120 E. Main Street, Apopka Florida 32703.

### WITNESSETH

WHEREAS, in May 2009, the District purchased a 102.75-acre parcel known as the Golden Gem Road Property, LA 2009-11, that was subsequently conveyed to the City via a Quit Claim Deed recorded in Official Records Book 9877 at Page 7803, Public Records of Orange County, Florida (the “Property”); and

WHEREAS, on May 15, 2009, the City and the District entered into that certain Memorandum of Agreement recorded May 27, 2009, in Official Records Book 9877 at Page 7806, Public Records of Orange County, Florida (“MOA”). The MOA provides, as a condition of ownership of the Property, that the City design, permit, and construct a reclaimed water storage and aquifer recharge enhancement project within five (5) years from the date of the MOA (the “Project”); and

WHEREAS, on April 9, 2014, the MOA was amended by the Parties to extend the deadline for completion of the Project to May 27, 2019 (“First Amendment”). The First Amendment is recorded in Official Records Book 10744 at Page 3352, Public Records of Orange County, Florida; and

WHEREAS, on June 5, 2019, the MOA was further amended to extend the deadline for completion of the Project to May 27, 2022 (“Second Amendment”). The Second Amendment is recorded as Document Number 20190442560 in the Official Records of Orange County, Florida; and

WHEREAS, on May 23, 2022, the MOA was further amended to extend the deadline for completion of the Project to September 30, 2023 (“Third Amendment”). The Third Amendment is recorded as Document Number 20230055025 in the Official Records of Orange County, Florida; and

WHEREAS, on February 14, 2023, the MOA was further amended to extend the deadline for completion of the Project to March 31, 2025 (“Fourth Amendment”). The Fourth Amendment is recorded as Document Number 20230160050 in the Official Records of Orange County, Florida; and

WHEREAS, on March 31, 2025, the MOA was further amended to toll the deadline for completion of the Project to September 30, 2025 (“Fifth Amendment”); and

WHEREAS, the City has encountered challenges that have delayed the completion and implementation of operations of the Project; and

WHEREAS, the City is currently developing various reports to assist it with completing and implementing the Project. The City anticipates these reports being finalized at the beginning of 2026; and

WHEREAS, the purpose of this Sixth Amendment is to allow additional time for the City to finalize the reports mentioned above and for the Parties to discuss the findings in the various reports and develop a plan and a feasible timeline for the City to complete its obligations under the MOA.

NOW, THEREFORE, in consideration of the premises above and subject to the terms and conditions below, the District and the City hereby agree as follows:

1. Paragraph 7 of the MOA is hereby deleted in its entirety and replaced with the following new Paragraph 7:
  - a. In the event the City fails to complete the design, permitting and construction of the Project upon the Property by March 31, 2025, then the District shall have the option to: i) require the City to transfer ownership of the Property to the District, or ii) require the City to reimburse the District the full amount of \$4,492,273.00 that the District funded, plus interest at the rate of five percent (5%) per year to accrue from the date the District made the payment. The District shall provide written notice to the City of its exercise of either option. If the District chooses to take title to the Property, then the City shall immediately provide a deed conveying fee simple title to the Property to the District. If the District elects to require repayment, then the City shall have eighteen (18) months to pay the District. Upon receipt of payment in full, the District shall provide the City with a formal Release of all restrictions on use of the Property as imposed in this Memorandum of Agreement. Said Release shall reference this Memorandum of Agreement and shall be recorded by the District in the Public Records of Orange County, Florida. Thereafter, the restrictions contained in this Memorandum of Agreement shall no longer affect the Property.
  - b. Notwithstanding any other provision of this Memorandum of Agreement, the date specified for completion of the Project in paragraph 7.a. is tolled through May 29, 2026. During the tolling period specified in this paragraph 7.b., the Parties will confer in good faith to develop a plan and a feasible time in which the City will complete the Project.
2. The MOA is amended to delete Exhibit “B” added by the Fourth Amendment to the MOA and replace it with the new Exhibit “B” containing an updated schedule of Project

milestones and anticipated completion dates (“Schedule”), which is attached hereto and incorporated herein by reference. The City shall provide the District with the status of each milestone as outlined in the Schedule.

3. The capitalized terms used herein shall have the same meanings as ascribed to them in the MOA.
4. It is understood and agreed by the District and the City that in every respect the terms of the MOA, except as amended previously or hereby, shall remain unchanged, and are hereby ratified and confirmed by the District and the City.
5. This Sixth Amendment will become effective on the date when the last of the Parties has executed the same, which shall be inserted at the top of the first page hereon.
6. The City shall record this Sixth Amendment in the official records of Orange County, Florida, within seven days of the Effective Date herein.

IN WITNESS WHEREOF, the Parties have executed this Sixth Amendment on the day and year set forth above.

(SIGNATURE PAGES TO FOLLOW)

CITY

CITY OF APOPKA, a municipal corporation  
existing under the laws of the State of Florida

By: \_\_\_\_\_  
Mayor

Date: \_\_\_\_\_

Attest:

By: \_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me by  
means of ☐ physical presence or ☐ online notarization, this \_\_\_\_ day of \_\_\_\_\_, 2025,  
by \_\_\_\_\_, Mayor of the City of Apopka, on behalf of the City, who is personally known to me or who  
has produced \_\_\_\_\_ as identification, and who did not take an oath.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Name typed, printed or stamped  
My commission expires: \_\_\_\_\_

St. Johns River Water Management District, a  
public body existing under Chapter 373, Florida  
Statutes

By: \_\_\_\_\_  
Michael A. Register, P.E.  
Executive Director

Attest:

By: \_\_\_\_\_  
Erin Preston, Esq.  
General Counsel

For use and reliance only by  
St. Johns River Water Management District,  
Legal Form and Content Approved:

By: \_\_\_\_\_  
Sharon M. Guaderrama, Esq.  
Office of General Counsel

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me by  
means of ☐ physical presence or ☐ online notarization, this day of , 2025, by Michael A. Register,  
as Executive Director of the St. Johns River Water Management District, on behalf of the District,  
who is personally known to me, and who did not take an oath.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Name typed, printed or stamped  
My commission expires: \_\_\_\_\_

## EXHIBIT “B”

### Schedule of Project Milestones

The City has provided the following list of Project milestones and anticipated completion dates for each milestone.

1. The City will participate in monthly status update meetings with District staff through May 29, 2026. At a minimum, the monthly status update meetings will include the following topics:
  - a. CUP permit modification
  - b. Hydrologic and Liner Material Evaluation for the Project
  - c. Liner and storage pond improvement recommendations
  - d. Reclaimed Water Operating/Water Balance analysis evaluation
  - e. Reclaimed water system operation recommendations
  - f. Quarterly summary of reclaimed water generated and distributed by the City, including reclaimed water received from Altamonte Springs, Sunshine Water, and OCU
  - g. ERP permit modification, as necessary
  - h. Modification of application FDEP permit for Domestic Wastewater/Reuse of Reclaimed Water, as necessary
  - i. Construction status/percent complete of recommended system and facility improvements
2. Within 14 days of receipt, the City will provide the District with copies of the following:
  - a. Golden Gem Hydrologic Evaluation Draft Report,
  - b. Golden Gem Material Evaluation Draft Report, and
  - c. RCW Operating/Water Balance Model Analysis Draft Report.
3. Within 30 days of receipt, the City will provide the District with copies of the following:
  - a. Golden Gem Hydrologic Evaluation Final Report
  - b. Golden Gem Material Evaluation Final Report
  - c. RCW Operating/Water Balance Model Analysis Final Report
4. Delays in completing any milestone shall be accompanied with a detailed explanation for the reason for the delay in meeting the schedule and the anticipated completion date.



# Golden Gem Road Property Memorandum of Agreement Extension Special Council Meeting

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# Memorandum of Agreement (MOA) Timeline

- MOA Amendment #5 Expiration Date: 9/30/2025
- MOA Amendment #6 Extension Date: 10/1/2025 – 5/29/2026
- MOA Amendment #7: To be Decided based on ongoing design recommendations

# Required Items for MOA Amendment #6

- Consumptive Use Permit (CUP) Modification Application ✓
  - ❖ Submitted application on August 21, 2025. This will be a continuous effort.
- Hydrologic and Liner Material Evaluation ✓
  - ❖ Ongoing: Tetra Tech is on pace to finish by October, 2025.
- Monthly Status Meeting with SJRWMD ✓
  - ❖ Ongoing: Until May, 2026.
- Reclaimed Water Operating and Water Balance Model Analysis ✓
  - ❖ Ongoing: Tetra Tech is on pace to complete by January, 2026
- South Pond Design ✓
  - ❖ Ongoing: Pump Station design is at 75% completion
- SJRWMD Board Approval ✓
  - ❖ Approved on September 9, 2025