

CITY OF APOPKA

Minutes of the City Council regular meeting held on August 2, 2017, at 1:30 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Doug Bankson
Commissioner Kyle Becker
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: Teresa Sargeant - The Apopka Chief
Steve Hudak, Orlando Sentinel
Reggie Connell, The Apopka Voice

INVOCATION: Mayor Kilsheimer introduced Pastor Darrell Morgan of Word of Life Church, who gave the invocation.

PLEDGE OF ALLEGIANCE: Mayor Kilsheimer said on July 30, 1964, the Apopka City Council held a special meeting to discuss the purchase of the Apopka Elementary School property for a new City Hall. Mayor Land proposed to renovate the red building for use as the new City Hall and utilize the gymnasium for community clubs and functions. The Council voted unanimously to proceed with the purchase of this property. The red building was renovated and is still in use today as our City Hall, and the gymnasium was later renovated to expand City Hall office space, and include the construction of our current Council Chambers. He asked everyone to pay homage to the history of our City Hall and its role in the former site of the Apopka Elementary School as he led in the Pledge of Allegiance.

APPROVAL OF MINUTES:

- 1. City Council workshop meeting June 1, 2017.**
- 2. City Council meeting July 5, 2017.**
- 3. City Council meeting July 19, 2017.**

Commissioner Bankson made note of a correction to the July 19, 2017 minutes to change "Mayor" to "Commissioner" Bankson on page four.

MOTION by Commissioner Bankson, and seconded by Commissioner Becker to approve City Council minutes of June 1, 2017, July 5, 2017, and July 19, 2017 with correction as noted. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Velazquez, Becker, and Bankson voting aye.

AGENDA REVIEW: There were no changes.

Presentations:

1. Chief Carnesale introduced the nineteen new Firefighters for Fire Station No. 5. He said the hiring process began in March with more than 300 applicants who went through a written test, physical

agility test and from these tests the number was narrowed to 72 applicants that were interviewed. This group started orientation and training five weeks ago at the Gilliam Training Center. He stated they graduate this Friday evening at the Apopka Community Center. Each firefighter stood as they were introduced: Ryan Bennett, Rommel Bennett, Hector Cartagena, Trelycia Darlington, Stephen DeMatties, Zachary Fertic, Riley Fertic, Jon Force, Tremonte Flowers, Donald Lampp, Jennifer Raulerson, Luis Rivera, Jack Timmes, Giovanni Ruiz, Brian Sharbono, Ross Shiffrin, Brittany Smothers, Nick Stucker, and Tyler Whitaker,

Mayor Kilsheimer welcomed all the new hires and said he has had an opportunity to speak with this group. They were attracted to Apopka by the family atmosphere, potential, and the high standards our Fire Department has with the ISO-1 rating.

PUBLIC COMMENT/STAFF RECOGNITION AND ACKNOWLEDGEMENT

Public Comment:

Ray Shackelford congratulated the new firefighters. He said Commissioner Bankson gave an outstanding presentation at the last Council meeting for a 25% reserve fund balance in five years. He asked Council to consider a five year plan for a 25% reserve fund balance. He also commended City Council for moving forward on the Splash Pad. He stated he appreciated the Council member's commitment and sacrifices to serve the people of Apopka.

CONSENT (Action Item)

1. Approve the purchase of seven Motorola portable radios for the Police Department.
2. Approve the purchase of a digital evidence management software suite for use in the Police Departments Forensics Unit.

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve two items on the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

BUSINESS

1. Further evaluation of a Splash Pad RFP submittal and waiver of a non-material irregularity.

Glenn Irby, City Administrator, said this was the second attempt to obtain bids for a design build for a Splash Pad in Kit Land Nelson Park. The first attempt earlier in the year received no bids and this time there were two bids received from Ryan Fitzgerald Construction, and AccuTech Construction. He advised the total budget for this project is \$750,000 which incorporates the Splash Pad, Restroom Facility, and payment to the Splash Pad design engineer. He stated both of the products these companies designed and submitted are well over our budget. He said the request to Council was to waive a non-material irregularity, stating one of the companies was four minutes late submitting their bid, and secondly to direct and allow staff to further evaluate AccuTech Construction's proposal and come up with a final design within the budget. He stated this will be brought back to Council for final approval.

Commissioner Bankson said he would be abstaining since his brother works for AccuTech Construction.

Discussion ensued regarding the total budget for this project.

Mr. Irby explained that \$750,000 was the total amount for the project, and stated \$112,910 was for the restroom facility, and \$24,000 was payment to the Splash Pad Engineer, leaving \$613,000 for the Splash Pad Design/Build and Amenities.

Commissioner Becker inquired if either of the companies have previously designed/built splash pads and will the City get a good product by compromising some of the features to bring the project into budget.

Gary Kreisler, AccuTech Construction, said from the research he has done and what he has seen from the industry partners, neither of the general contractors who are the prime on both of these have done a splash pad. He stated both companies are experienced and from Apopka. He stated AccuTech Construction went very deep in selecting their partners to make sure each one of the providers that will be doing the actual work of installing the splash pad have an extreme long history and experience of providing splash pads and working together. He said they feel extremely well qualified and are excited to have attracted the best partners to work with. He stated in relation to the price, they were very transparent in what they put in and their proposal showed all the different features and their price reflected that. They knew they were above budget, but wanted to show the City they had options with the ability to leave items out. The City will have the ability to add features as their budget allows. He advised they utilize as many local providers/workers as possible.

Ryan Fitzgerald, Ryan Fitzgerald Construction, said he and his wife were graduates of Apopka High School and his children graduated from Apopka High School. He stated he does a lot of work for University of Florida. He advised their company is handling all of the MREC work out of Apopka all over the United States, including Puerto Rico. In the last year they have done approximately \$1.5 million in playground installations. He said he also received proposals from a couple of the same companies on the splash pad, but he didn't present them as they were over \$130,000 more expensive. He stated this was the widest open written RFP that he has ever participated in. The manufacturer he provided was the least expensive. He said he could provide a very different vehicle to spray water with \$130,000 budget to do so. He reiterated his presentation was very much a discounted presentation. He said not to have the chance to present his side, and none of his providers have been contacted, he did not see how a motion could be made. He declared in all the projects he had bid on, he has never seen one allowed after it was four minutes late. He stated he has never put in an actual spray pad, but he has put in tennis courts, racquetball courts, swings, and he could hire the same company to do the same installation.

Mr. Irby said the City put out an RFP, had two companies respond, and the evaluation committee went by what they responded and made their selection as a group.

Mayor Kilsheimer said staff has presented Council with their recommendation, and he would give staff credit for trying to find the best deal for the City and move this project forward.

Commissioner Becker said when you are doing a comparison like this, you are comparing one company to the other for the purposes of what is in front of you. He asked Mr. Irby if he could address where this was picked up on with AccuTech versus Fitzgerald.

Mr. Irby said it was basically on the presentation. He stated they do have the ability as a group to ask them one on one to come in and make presentations. They did not feel it was necessary this time and the selection was made solely based on what was presented in the packet.

MOTION by Commissioner Becker, and seconded by Commissioner Velazquez, based on staff recommendation, to approve a waiver of an irregularity of late submittal of AccuTech Construction, Inc. and approve staff to further evaluate their proposal. Motion carried 4-0-1 with Mayor Kilsheimer, and Commissioners Dean, Velazquez, and Becker voting aye. Commissioner Bankson abstained stating his brother worked for the company.

2. Approval of the second Mayor Land Statue and final payment to the artist.

Glenn Irby, City Administrator, said the standing statue of Mayor Land for the front of City Hall should be here any day. Two statues were commissioned to be completed by the foundry. The second statue is of a sitting statue for Kit Land Nelson Park. The Land Family has signed a document approving the design. The recommendation is for Council to approve sending the second cast to the foundry and authorize final payment to the artist.

Peter Pasha, Artist, said Ms. Betty Land visited the studio a couple of weeks ago and noticed wedding rings on the hand of the statue of Mayor Land. Catherine Land-Waters had not seen the statue and she and Ms. Betty Land came to the studio for her to see the statue, bringing Mr. Eric Hooper, a personal friend of Mayor Land's with them. Mr. Pasha said the first thing Mr. Hooper said was "Well there he is, you got him." Mr. Pasha thanked the Mayor and Commissioners for coming by to see the statue.

MOTION by Commissioner Bankson, and seconded by Commissioner Velazquez, to approve placement of the second Mayor Land statue and final payment to the artist. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. Final Development Plan/Plat – Carriage Hill Residential Subdivision – 2303 Rogers Road.

Mayor Kilsheimer announced this was a quasi-judicial hearing. The witnesses were sworn in by the clerk.

David Moon, Planning Manager, said the request was to approve the Final Development Plan and Plat for the Carriage Hill Residential Subdivision. The project is located on the north side of Rogers Road, abutting the current Lester Ridge residential community. City Council approved the Preliminary Development Plan on December 13, 2016, and the Planning Commission reviewed the Plat on July 25, 2017, recommending approval. DRC recommends approval. The project includes 72 single-family lots and is consistent with the Land Development Code.

Mayor Kilsheimer 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 Becker, to approve the Final Development Plan/Plat for Carriage Hill Residential Subdivision. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS (Action Item)

1. **Resolution No. 2017-12 – Approval of the Orange County Local Mitigation Strategy 2016.**
The City Clerk read the title as follows:

RESOLUTION NO. 2017-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, ACCEPTING AND APPROVING THE DESIGNATED PORTION OF THE ORANGE COUNTY LOCAL MITIGATION STRATEGY.

Sean Wylam, Assistant Fire Chief, Training, said the City of Apopka has the potential to be threatened by natural and manmade disasters. He advised a group of agencies, including representatives from the City of Apopka, joined together to establish a Local Mitigation Strategy workgroup. On February 1, 2017, the Orange County Board of Commissioners adopted the updated Local Mitigation Strategy, which is being presented. This allows the City to proceed forward post-disaster for different mitigation projects and seek funding.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve Resolution No. 2017-12. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

2. **Resolution No. 2017-13 - Issuance and execution of a \$2,400,000 Capital Improvement Revenue Note.** The City Clerk read the title as follows:

RESOLUTION NO. 2017-13

A RESOLUTION OF THE CITY OF APOPKA, FLORIDA ACCEPTING THE PROPOSAL OF ZB, N.A. TO PURCHASE THE CITY'S \$2,400,000 CAPITAL IMPROVEMENT REVENUE NOTE, SERIES 2017, TO FINANCE THE CITY'S COST OF ACQUIRING VEHICLES AND ASSOCIATED EQUIPMENT ALL FOR CITY PURPOSES; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH SAID BANK TO SECURE THE REPAYMENT OF THE 2017 NOTE; PROVIDING FOR THE PAYMENT OF THE 2017 NOTE FROM THE CITY'S COVENANT TO BUDGET AND APPROPRIATE NON AD VALOREM REVENUES, ALL AS PROVIDED IN THE LOAN AGREEMENT; AUTHORIZING THE PROPER OFFICIALS OF THE CITY TO DO ANY OTHER ADDITIONAL THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE EXECUTION OF THE LOAN AGREEMENT, THE 2017 NOTE, AND THE SECURITY THEREFORE; DESIGNATING THE 2017 NOTE AS "BANK QUALIFIED"; AUTHORIZING THE EXECUTION AND DELIVERY OF

**OTHER DOCUMENTS IN CONNECTION WITH THE 2017 NOTE;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

Pam Barclay, Director of Finance, said this resolution was for the issuance and execution of a five year capital revenue note in the amount of \$2.4 million. She advised in June our Finance Advisor sent out an RFP to solicit bids and quotes from banks to offer the best interest rate on a three year or five year note. We received eleven responses and the Financial Advisor has ranked these. His recommendation is to accept Zion Bank's proposal of 1.87% for a five year note.

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

MOTION by Commissioner Becker, and seconded by Commissioner Bankson, to approve Resolution No. 2017-13. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

3. **Resolution No. 2017-14 - Purchasing Policy Update.** The City Clerk read the title as follows:

RESOLUTION NO. 2017-14

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF APOPKA,
FLORIDA, AMENDING CITY ADMINISTRATIVE POLICIES FOR
PROCUREMENT; AND PROVIDING AN EFFECTIVE DATE.**

Cliff Shepard, City Attorney, said we earlier discussed the splash pad issue. One of the unique factors that came into play is that we had had a first compliant RFP under the Competitive Consultants Negotiation Act (CCNA) and received no responses. The second RFP only received two responses. Under the CCNA it calls for, in a design build or a regular RFP that you would select and then begin discussions about ranking and negotiation with a minimum of three, but it does not address what to do if you cannot get three responses. This issue came up and he inquired what other cities had done and found that they placed language in their purchasing policies that when you cannot get three proposals, pursuant to making your best efforts, that you would be able to proceed with the best of those received. He explained that this policy is retroactive so to go back to the time prior to these bids being received, but before any negotiations will take place.

In response to Commissioner Becker inquiring if the level of scrutiny falls on Council, City Attorney Shepard responded in the affirmative.

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

MOTION by Commissioner Velazquez, and seconded by Commissioner Becker, to approve Resolution No. 2017-14. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Dean, Velazquez, Becker, and Bankson voting aye.

CITY COUNCIL REPORTS – There were no reports.

MAYOR'S REPORT – Mayor Kilsheimer said there has been discussion at the Council level a number of times on the Apopka Begins and Ends with A program. It had been said, one of the ways the program would be measured was how much resources were actually brought into the community as a result of the program. He stated he was pleased to announce being notified on Tuesday evening that Phillis Wheatley Elementary School and Zellwood Elementary School have been awarded a 21st Century Grant. Combined, the award of this 21st Century Grant will result in \$780,000 being spent at these two schools over the next three years. He declared it is a direct result of the opportunities that arose during the discussions at the Community Action Team meetings at these two schools. Both Phillis Wheatley and Zellwood, at the time of the application were “D” schools. Zellwood has come up to a “C” school. These are grant funds awarded by the State Department of Education using Federal Funds to invest money in schools where additional opportunities are needed for tutoring and after school programs.

Commissioner Dean said he was glad this grant was awarded, but stated the City does not have money to help support Apopka Begins and Ends with A.

NOT REQUIRING ACTION

1. Thank you letter from a resident to the Public Services, Water Treatment & Maintenance Divisions.
2. Thank you letter from a resident to the Public Services, Utility Division.
3. Thank you email from a resident to the Utility Billing division within the Finance Department.

ADJOURNMENT – There being no further business the meeting adjourned at 2:45 p.m.

Joseph E. Kilsheimer, Mayor

ATTEST:

Linda F. Goff, City Clerk