

CITY OF APOPKA

Minutes of the regular City Council meeting held on July 15, 2015, at 7:00 p.m., in the City of Apopka Council Chambers.

PRESENT: Mayor Joe Kilsheimer
Commissioner Bill Arrowsmith
Commissioner Billie Dean
Commissioner Diane Velazquez
Commissioner Sam Ruth
City Attorney Cliff Shepard
City Administrator Glenn Irby

PRESS PRESENT: John Peery - The Apopka Chief
Steve Hudak – Orlando Sentinel
Teresa Sargeant – The Apopka Chief

INVOCATION – Commissioner Ruth introduced Julie Altenbach, Church of the Messiah, who gave the invocation.

PLEDGE OF ALLEGIANCE – Mayor Kilsheimer said on July 14, 1942, the Apopka City Council unanimously adopted a Resolution authorizing city officials to execute a lease agreement between the City and the U.S. Government for the use of Edwards Field for the duration of World War II. Subsequently, high towers with search lights and barracks were placed on what is now Edwards Field and the complex was manned by the Search Light Battalion to scan the Central Florida skies for signs of enemy fighters. The facility was also used to house the pilots who were in training at the air field where Dream Lake Elementary School is now located. He asked everyone to remember the contributions of the Apopka community to the success of our country's war efforts during World War II as he led in the Pledge of Allegiance.

PRESENTATION

1. Discussion by the City Council with staff, City's specially engaged Attorney and City's contract Lobbyist on how best to proceed with development of a downtown center.

Richard Anderson, City Lobbyist, said the Council has before them a Request for Proposal (RFP). He stated they are not being asked to do anything but allow for going out for an RFP to entertain the development community in building the downtown center. He advised there were some specific guidelines, but they were basically asking the development community to tell us what they would like to build. Once the proposals are received, they will be reviewed, and then come back before the City Council for approval. He said they will begin with a development agreement and purchase agreement, should the Council desire to move forward. He stated they believe the timing is right now, as evident with the development being seen throughout Florida. He affirmed this will include reconfiguration and improvement of the 441/436 interchange.

Mayor Kilsheimer said this is the first step to gauge and entertain the interest of the development community. He stated this is a prime piece of property in one of the fastest growing communities in Central Florida. He agreed the time is right and he is prepared to move forward.

Mr. Anderson said they consider the 48 acres to be the catalyst to start the downtown. Included in the packet is an additional outlined area of 108 acres they envision the downtown growing into. He stated the proposals are due August 24, 2015, they will be reviewed, and the next phase will be the developer's agreement and purchase agreement.

Mayor Kilsheimer opened the meeting to public input.

Jennifer Dobran said she has noticed they are speaking about developers and inquired if there were any anticipated developers that have put their hat in for interest.

Mayor Kilsheimer said with the research Mr. Anderson had done, he feels very confident we will receive adequate response.

Barbara Zakszewski inquired how this proposal will dovetail with the Community Visioning.

Mayor Kilsheimer said the first visioning kick off meeting was this past Monday and the Visioning Consultant is working on the City's website. He stated he feels as the developer of this proposal comes forward they will be looking for that input.

Phil Zakszewski expressed concern with the way the proposal is written. He suggested they need to revise the request for proposal so that it is not one developer.

Thomas Callan, Esquire said generally in procurement there is a bid, a request for proposal and request for invitation to negotiate. He advised this was a request for proposal and this RFP allows people to submit proposals and provide their view on what they would do with the property and the proposed City Center project. At that point, the City Council can agree to accept the proposal, reject it, and they can re-advertise for new proposals. He declared you keep total discretion with this process. He affirmed the template used for this proposal was the City of St. Petersburg template that they have used for downtown redevelopment. He stated they felt this was a fairly comprehensive proposal process and structure, but gives the flexibility to the proposer to provide their own vision.

Ray Shackelford asked what type of guarantee there would be to ensure that minority and women contractors would be involved in this process.

Mr. Anderson advised there was nothing in this RFP, as they have not seen what the proposals are yet, but there are certainly things they can put in the developers agreement and the contract to purchase to address those issues.

No others wishing to speak, Mayor Kilsheimer closed the public input.

MOTION by Commissioner Ruth, and seconded by Commissioner Arrowsmith to approve issuing the Request for Proposal as outlined in the packet. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

Mayor Kilsheimer recognized Orange County Commissioner Bryan Nelson.

CONSENT AGENDA

1. Approve the minutes from the regular City Council meeting held on June 17, 2015 at 7:00 p.m.
2. Approve the minutes from the special City Council meeting held on June 17, 2015 at 5:30 p.m.
3. Approve the minutes from the regular City Council meeting held on July 1, 2015 at 1:30 p.m.
4. Award Broker/Agent of Record status to Arthur J. Gallagher & Co., in the amount of \$65,000, for benefits, workers comp, liability, casualty, and property insurance.
5. City Council approval of the dirt generated from the proposed reclaim water storage and aquifer recharge ponds as surplus property, and authorize the sale of the surplus dirt.
6. Authorize the Rotary Club of Apopka to sell and serve alcoholic beverages at the Apopka Fair in Kit Land Nelson Park from March 10, 2016 through March 13, 2016.
7. Authorize the Rotary Club of Apopka to sell and serve alcoholic beverages at the Fall Family Festival in Kit Land Nelson Park from November 12, 2015 through November 15, 2015.
8. Award the purchase of the ductal iron pipes, in the amount of \$1,334,674.60, to Consolidated Pipe and Supply Co.; the purchase of the fitting material in the amount of \$160,964.02 to Ferguson Waterworks; and authorize a contingency fund in the amount of \$100,000.00.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Ruth, to approve the eight items of the Consent Agenda. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez and Ruth voting aye.

REGULAR AGENDA

1. Authorize the migration to Microsoft Operating Platform from Novell, in the amount of \$198,500.

Glenn Irby, City Administrator gave a brief overview stating that the City has operated on the Novell operating system platform, which was very popular in the 1980s and 1990s. He stated some of the applications we use have a hard time connecting. He advised management would like to switch to the Microsoft platform.

Chris Davis with Netxfolio said they were asked by staff to do an assessment of the IT environment. He affirmed one of the main items they found was that the process of maintaining these systems is very burdensome on the IT Department, as well as it being very difficult in finding staff who has the expertise to understand these platforms. He advised Microsoft is dominant when it comes to business applications and networks, whereas, Novell probably has less than 1% of the market share. He affirmed their main recommendation was to move to a Microsoft platform which will allow the City to operate more efficiently. He declared over the next three years there would be a cost savings with this conversion.

In response to Commissioner Dean with regards to bids, Mr. Irby advised there was not a bid process as this company came in at less than our thresholds to require a formal bid. Once the system was evaluated, this was the end result and their recommendation. He stated because on a term and evaluated source, under our purchasing policy, we would not have to bid.

In response to Commissioner Arrowsmith, Mr. Davis advised the estimate includes the cost of the software, the estimate and the consulting fees. He affirmed during their assessment they interviewed the entire IT Department.

Mayor Kilsheimer opened the meeting to public input.

Ray Shackelford asked, for understanding clarity, what the threshold is that does not require Council approval to which Mayor Kilsheimer stated was \$25,000 and advised this is a State law.

Barbara Zakszewski asked if the consultant felt everything currently in place will handle this new platform. She further inquired if this company was going to do the installation and training.

Mr. Davis said the IT Department and the City has made some great investments when it comes to their desktop infrastructure with the implementation of virtual desktops and the current hardware will support this new platform.

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez to approve migrating to the Microsoft operating platform. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

SPECIAL REPORTS AND PUBLIC HEARINGS

1. Authorize the selection of a CDBG Neighborhood Revitalization Project, allow staff to begin development of application, and approve \$50,000 in matching funding.

Mr. Irby said the City has engaged with a grant consultant, Fred Fox of Fox Enterprises, Inc., to apply for a Community Development Block Grant (CDBG) and he will be making a presentation.

Fred Fox said the funds for the federal CDBG process come down in two ways: one is larger

cities, such as Orlando, receive funds directly from HUD after preparing a plan on how they will spend the funds. For smaller cities and counties, such as Apopka, there is an amount that goes to the State and there is an option every three years to compete for these funds under the small cities program. The program is run by the Florida Department of Economic Opportunity and there will be an application process around March of next year. He reviewed the four categories and said the maximum amount the City can apply for is \$750,000. His Power Point presentation is on file in the City Clerk's office. He reviewed the income limits stating there are low income limits that must be met within the areas these funds will be expended. He reviewed and explained the points in the application process. The steps required in the CDBG application process are to: 1. Appoint a Citizens Advisory Task Force (CATF); 2. Advertise and hold a CATF meeting to discuss possible projects; 3. Advertise and hold a first Public Hearing and obtain public comment and direction by the Commission to move forward on determining a project; 4. Advertise and hold a Fair Housing Workshop; and 5. Advertise and hold a second Public Hearing, finalize application. He declared this is the third step in the process, the first Public Hearing. The Council established the CATF and the CATF met and have made their recommendation to Council.

Mayor Kilsheimer reiterated this is requesting Council approval to authorize staff to begin development of this application. Several of the steps have been completed. The CATF met on June 30, 2015, Chaired by Rogers Beckett, and the Task Force has recommended improvements and focus on Alonzo Williams Park, with a second recommendation for street lights, paving, and sidewalks within specified boundaries. This is step three for public comment and direction by the Council to move forward on determining a project. He affirmed the City was eligible for up to \$750,000 and the City will put up \$50,000 if the grant is awarded.

Mr. Fox advised the \$50,000 was not matching funds, but rather for points for the grant. He stated the grant application was March of next year and the funds allocated in the FY 16/17 budget.

In response to an inquiry by Commissioner Arrowsmith regarding the City's grant writer, Mayor Kilsheimer said this was a fast moving process and we needed to move forward expeditiously in a timely manner. He advised the City's grant writer just came on board and was working on a number of other grants and projects.

Mayor Kilsheimer opened the meeting to public input.

Rod Love commended the city for advocating for the grant process and felt it was appropriate to move forward, but stated as it relates to the CDBG grant, it is not guaranteed. He suggested not looking to a grant to focus on what would ordinarily go into the budget. He said the Commissioners were elected at large to support the entire city.

Isadora Dean spoke with regards to the areas of the grant stating most people have water and sewage, and stated a lot of the property is rental property. She asked if the grant is awarded if it could be used for blighted areas and inquired if it would be for city residents only.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean to allow staff to begin development of the application, approve \$50,000 in funding, and authorize the selection of a CDBG neighborhood revitalization project. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

LEGISLATIVE ORDINANCES AND RESOLUTIONS

1. ORDINANCE NO. 2437 - FIRST READING - ANNEXATION - Ellsworth D. Bottoms Trust, property located at 4011 Golden Gem Road. (Parcel ID No. 13-20-27-0000-00- 054) (10.25 +/- acres). The City Clerk read the title as follows:

ORDINANCE NO. 2437

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY ELLSWORTH D. BOTTOMS, TRUST, LOCATED AT 4011 GOLDEN GEM ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2437 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

2. ORDINANCE NO. 2438 - FIRST READING - ANNEXATION - Norman E. Sawyer, property located at 119 East Nancy Lee Lane. (Parcel ID No. 33-20-28-0000-00-047) (0.41 +/- acre). The City Clerk read the title as follows:

ORDINANCE NO. 2438

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT

TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY NORMAN E. SAWYER LOCATED AT 119 EAST NANCY LEE LANE; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2438 at First Reading and carry it over for a Second Reading. Commissioner Arrowsmith said he would abstain as the owner is a client of the bank he serves as Executive Vice President. Motion carried 4-0 with Mayor Kilsheimer, and Commissioners, Dean, Velazquez, and Ruth voting aye, and Commissioner Arrowsmith abstaining and filing a Form 8B.

3. **ORDINANCE NO. 2439 - FIRST READING - ANNEXATION - Technology Property, LLC, property located south of Keene Road and west of Clarcona Road. Parcel ID Nos. 27-(21-28-6024-00-005 (3.40 ac); 27-21-28-6024-00-006 (2.37 ac); 27-21-28- 6024-00-007 (3.61 ac) (Combined 9.38 +/- acres). The City Clerk read the title as follows:**

ORDINANCE NO. 2439

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.044 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY TECHNOLOGY PROPERTIES, LLC, LOCATED AT SOUTH OF KEENE ROAD AND WEST OF CLARCONA ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Ruth, and seconded by Commissioner Velazquez, to approve Ordinance No. 2439 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

4. **ORDINANCE NO. 2440 – FIRST READING – ANNEXATION – Crossroads Church of Orlando, Inc., property located at 320 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-261) (1.85 +/- acres). The City Clerk read the title as follows:**

ORDINANCE NO. 2440

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY CROSSROADS CHURCH OF ORLANDO, INC. LOCATED AT 320 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.

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

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Dean, to approve Ordinance No. 2440 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

5. ORDINANCE NO. 2441 - FIRST READING - ANNEXATION - Donald Lee Boughan, property located at 404 East Welch Road; and authorize the Mayor or his designee to sign the Interlocal Agreement between the City of Apopka and Orange County for annexation of enclaves. (Parcel ID No. 34-20-28-9550-00-232) (1.00 +/- acre). The City Clerk read the title as follows:

ORDINANCE NO. 2441

AN ORDINANCE OF THE CITY OF APOPKA, FLORIDA, TO EXTEND ITS TERRITORIAL AND MUNICIPAL LIMITS TO ANNEX PURSUANT TO FLORIDA STATUTE 171.046 THE HEREINAFTER DESCRIBED LANDS SITUATED AND BEING IN ORANGE COUNTY, FLORIDA, OWNED BY DONALD LEE BOUGHAN, LOCATED AT 404 EAST WELCH ROAD; PROVIDING FOR DIRECTIONS TO THE CITY CLERK, SEVERABILITY; CONFLICTS AND AN EFFECTIVE DATE.

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 Ruth, to approve Ordinance No. 2441 at First Reading and carry it over for a Second Reading. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

6. RESOLUTION NO. 2015-13 - Amending Ordinance No. 2109 Chapter 82-38, addressing Industrial and Commercial Pretreatment Guidelines "Exhibit A". The City Clerk read the title

as follows:

RESOLUTION NO. 2015-13

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF APOPKA, FLORIDA, AMENDING ORDINANCE NO. 2109, ARTICLE II, DIVISION I, CHAPTER 82, COMMERCIAL AND INDUSTRIAL PRETREATMENT GUIDELINES, SECTION 38.03, GENERAL SEWER USE REQUIREMENTS, PARAGRAPH 2(B)(3), SPECIFIC PROHIBITIONS, INCREASING THE LOWER LIMIT OF THE ALLOWABLE pH RANGE AND PARAGRAPH 5(B), LOCAL POLLUTANT LIMITS, TABLE 3-1, INCREASING THE MAXIMUM UNIFORM CONCENTRATION FOR .pH.

MOTION by Commissioner Arrowsmith, and seconded by Commissioner Velazquez, to approve Resolution No. 2015-13. Motion carried unanimously with Mayor Kilsheimer, and Commissioners Arrowsmith, Dean, Velazquez, and Ruth voting aye.

QUASI-JUDICIAL: ORDINANCES AND SITE APPROVALS – None.

DEPARTMENT REPORTS AND BIDS

1. Administrative Report – Glenn Irby, City Administrator said the report was in the packet and he would answer any questions.

MAYOR'S REPORT – Mayor Kilsheimer reported on his plan for the VFW/Community Center going forward, stating the City is preparing to hire a new Recreation Director. One of the tasks for the new Recreation Director will be to keep a master calendar for all recreational facilities in the City of Apopka. He advised he would have this person meet with the VFW, the new community theater troupe, and work out the dates, including the dates the VFW already has the facility booked. He stated there have not been any changes to date and more processes and procedures will be put in place once this position is on board.

OLD BUSINESS

1. COUNCIL – There was no old business from the Council.
2. PUBLIC

Ortenzio “Artie” Vecchio said the Orlando Sentinel has not been told the right information. He stated the Mayor has stated he is giving the same deal to the AHA Players as was given to the veterans and he declared that was not true. He said the AHA Players was not doing anything for the community. He said the VFW works with ten public schools and two private schools, as well as the Special Olympics. He reviewed and turned in a document regarding money raised to purchase improvements of the VFW/Community Center.

Ray Shackelford inquired when the public could obtain the finance report for the recent festival held, to which Mayor Kilsheimer advised him to get with Mr. Irby to obtain that information. He also inquired about the disbursement report being approved after

expenditures. He also called upon the City Council when preparing the budget to consider \$150,000 for the 2016 summer youth jobs program, as well as considering \$2,000,000 for economic development in the south side of town.

Mr. Irby advised any new expenditure not in the current budget that is over a certain threshold comes before the Council for approval. He explained the disbursements were approved in the last fiscal year budget. He advised the disbursements seen each month have been an ongoing process of expenditures that have already been approved.

Barbara Zakszewski said that gentlemen's agreements and handshakes were good between friends and family members, but agreements for city owned property needs to be in writing to avoid misunderstandings and hard feelings.

Rod Love said he supports the City in moving forward as it relates to city owned facilities and reducing these items to writing and commended the City in moving forward with a process. He stated on another note, he was elated regarding the position for Parks and Recreation, but felt a position such as this should have been advertised a longer period of time. He spoke regarding the purchasing thresholds and expressed concern regarding exceptions to the rule, as with the Microsoft need, stating those exceptions need to be defined.

Mayor Kilsheimer advised the difference was that the state allows up to \$25,000 can be spent without Council approval. Anything over that amount requires Council approval, which was done early in the meeting.

Artie Vecchio thanked those who spoke for the kind words and said they have been trying for almost a year and a half to get a contract and they have not gotten one yet.

NEW BUSINESS

1. COUNCIL

Commissioner Dean said the City and Downtown parking lot was in poor repair with potholes and requested Mr. Irby contact the Merchants and place money in the budget to resurface that parking lot.

Mayor Kilsheimer affirmed they have been working on this matter for several months. He stated that parking lot is owned by the Downtown Merchants Association that consists of 15 shareholders with the City owning a number of the shares. The City Attorney has been requested to research this matter and asked him to expand on this.

City Attorney Shepard said this was a multifaceted issue which is problematic. He stated this was not necessarily the City's responsibility. It would seem that if there is a partnership with merchants wherein they use a certain amount of parking, but that is not how it has been run. He declared it is a challenge.

Commissioner Ruth said Ms. Waters was here and she was complaining about 6th Street

between McGee and 441 to which Mayor Kilsheimer said the revitalization of 6th Street will be a major portion of the downtown project.

In response to Commissioner Ruth speaking regarding the two football leagues in the city needing practice areas, Mayor Kilsheimer requested he meet with Mr. Irby regarding this matter.

Commissioner Arrowsmith suggested with regards to the accounts payable, with large checks being written, even if budgeted, set a threshold to let Council know what these were in reference to.

2. PUBLIC

Rod Love said after he spoke and listened to other members of the audience speak, it would be good if they could feel there was some reciprocity taking place that they are being heard.

Marvin Guttman recognized there was a Boy Scout Troop attending the meeting and Mayor Kilsheimer thanked him and acknowledged them asking the leadership to come forward and introduce the Troop.

Matthew Kennedy said he was with Boy Scout Troop 10 in Apopka and they hold their meetings at Camp Thunderbird. They are present working on their Citizenship in the Community and Communications Badge.

ADJOURNMENT – There being no further discussion, the meeting adjourned at 8:55 p.m.

ATTEST:

Joseph E. Kilsheimer, Mayor

Linda F. Goff, City Clerk