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# CITY OF WINTER SPRINGS, FLORIDA



## CITY COMMISSION

### AGENDA

#### **REGULAR MEETING**

**MONDAY, JULY 25, 2016 - 5:15 P.M.**

**CITY HALL - COMMISSION CHAMBERS  
1126 EAST STATE ROAD 434, WINTER SPRINGS, FLORIDA**

Mayor Charles Lacey  
Deputy Mayor Jean Hovey - Seat One  
Commissioner Kevin Cannon - Seat Two  
Commissioner Pam Carroll - Seat Three  
Commissioner Cade Resnick - Seat Four  
Commissioner Joanne M. Krebs - Seat Five



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**PLEASE SILENCE ELECTRONIC DEVICES DURING THE MEETING**

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## CALL TO ORDER

Roll Call  
Invocation  
Pledge of Allegiance  
Agenda Changes

## AWARDS AND PRESENTATIONS

### AWARDS AND PRESENTATIONS

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#### 100. Office of the Mayor

##### REQUEST:

Presenting a Proclamation from Governor Rick Scott of the State of Florida recognizing July 2016 as “Recreation and Parks Month In Florida”.

## INFORMATIONAL AGENDA

### INFORMATIONAL

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#### 200. Community Development Department



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##### REQUEST:

The Community Development Department is advising the City Commission of the status of various development projects within the City.

##### FISCAL IMPACT:

There is no fiscal impact associated with this agenda item.

##### COMMUNICATION EFFORTS:

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**RECOMMENDATION:**

Staff requests the City Commission receive and review the information provided in this Agenda Item.

**PUBLIC INPUT**

(Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a "Public Input" form. The City Commission will set aside up to thirty minutes for any City residents or taxpayers to address any items of public interest that do not appear on the agenda and for any members of the public to address any items that are listed on the agenda for final official action by the City Commission excluding public hearing items which are heard at the public hearing portion of the meeting, ministerial items (e.g. approval of agenda, minutes, informational items), and quasi-judicial or emergency items. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission. The City Commission will not take any action under the "Public Input" section of the agenda. The City Commission may schedule items not on the agenda as regular items and act upon them in the future.)

**CONSENT AGENDA****CONSENT**

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**300. Community Development Department**

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**REQUEST:**

The Community Development Department requests that the City Commission review the attached Wayfinding Signage documentation and approve Resolution 2016-12 which indicates the City Commission's support for a Wayfinding Sign System Plan and adopts the criteria to be used for the signs.

**FISCAL IMPACT:**

There is no immediate fiscal impact directly related to the approval of Resolution 2016-12. The City Commission will be able to approve funding through the budget process for implementation of the signage program. The timing of this funding and implementation is entirely at the discretion of the City Commission.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The Community Development Department requests that the City Commission review and approve Resolution 2016-12 adopting the criteria to be used for destination guide signs within the City of Winter Springs.

**CONSENT**

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**301. Public Works Department**

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**REQUEST:**

Public Works Department Requests that the City Commission Approve the City of Winter Springs/MetroPlan Orlando FY 2016-2017 Funding Agreement.

**FISCAL IMPACT:**

The City's FY 2016/2017 share of \$2,784 will be funded from the Transportation Improvement Fund which has a primary funding source from the Local Option Gas Tax. The FY 2015/2016 amount was \$2,817.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends that the City Commission Approve the City of Winter Springs/MetroPlan Orlando FY 2016-2017 Funding Agreement.

**CONSENT****302. Police Department**

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**REQUEST:**

The Police Department requests the Commission accept a donation in the amount of \$8,700 from Action Church, Inc. for the purpose of purchasing a ballistic blanket from Instant Armor, Inc.

**FISCAL IMPACT:**

There will be no cost impact to the General Fund; conversely, a positive impact will be realized in the General Fund by accepting these donations. There are no matching funds required of the City for this acceptance.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The Police Department recommends the Commission approve the acceptance of the donation from Action Church Inc, totaling \$8,700 for the purpose of purchasing a ballistic blanket from Instant Armor, Inc. and to authorize the City Manager to execute and approve all documents associated with this item.

**CONSENT****303. Parks and Recreation Department**

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**REQUEST:**

The Parks and Recreation Department requests the Commission accept a donation in the amount of \$277 from Joanne Krebs, for purposes of placing another Free Little Library in the City.

**FISCAL IMPACT:**

Annual maintenance approx. \$100/yr.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The Parks and Recreation Department recommends the Commission accept a donation in the amount of \$277 from Joanne Krebs, for purposes of placing another Free Little Library in the City.

**CONSENT****304. Public Works Department - Urban Beautification Division**

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**REQUEST:**

The Public Works Department, Urban Beautification Division, asks that the City Commission consider the request of Jeremy Berrong to remove one specimen live oak from his property at 1141 Duncan Drive due to the proximity of the tree to the home.

**FISCAL IMPACT:**

If the request is approved, the applicant will pay a \$25 permit fee to the Arbor Fund.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends that the City Commission approve the request of Jeremy Berrong to remove one specimen tree from his property at 1141 Duncan Drive. The tree has already caused damage to the patio and chimney and has the potential to cause further damage. Staff finds that this qualifies as an extraordinary circumstance or hardship as referenced in Section 5-8(b) of Chapter 5, Tree Protection and Preservation.

**CONSENT****305. Public Works Department - Urban Beautification Division**

Scan with your smart device to view electronically

**REQUEST:**

The Public Works Department, Urban Beautification Division, asks that the City Commission consider the request of Craig Newell to remove one specimen live oak from his property at 1006 W Pebble Beach Circle due to the proximity of the tree to the home.

**FISCAL IMPACT:**

If the request is approved, the applicant will pay a \$25 permit fee to the Arbor Fund.



**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends that the City Commission approve the request of Craig Newell to remove one specimen tree from his property at 1006 W Pebble Beach Circle. The tree is growing in a very small space, bordered on all sides by pavement and is within 10 feet of Mr. Newell's home. The tree has already lifted the walkway and pavers and has the potential to damage the home. Staff finds that this qualifies as an extraordinary circumstance or hardship as referenced in Section 5-8(b) of Chapter 5, Tree Protection and Preservation.

**CONSENT**

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**306. Utility Department**

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**REQUEST:**

The Utility Department requests authorization to owner direct purchase the two Ion Exchange Vessels from Tonka Water as provided for in the contract with Wharton-Smith, Inc. to construct the WTP#1 Water Quality Improvements project, plus authorize an increase in the project authorization by \$368,000 to include a 3rd Ion Exchange Vessel in the Tonka Water Purchase.

**FISCAL IMPACT:**

With the addition of a 3rd vessel, the construction project total authorization would increase to \$5,615,000. Sufficient funds have been included in the funding request from the State Drinking Water Revolving Loan Fund to cover this increase. The loan agreement with the final loan amount and interest rate will be brought to the City Commission at a future meeting. Delivery of the ion exchange vessels from Tonka Water will take 180 days.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends the City Commission authorize the owner direct purchase of three Ion Exchange Vessels from Tonka Water as specified in ITB #004-16-KL in the amount of \$1,634,278 and approve an increase in the project authorization of \$368,000 to add the 3rd Ion Exchange Vessel for construction of the WTP#1 Water Quality Improvement Project, and authorize the City Manager and the City Attorney to prepare and execute any and all applicable documents.

**CONSENT****307. Utility Department**

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**REQUEST:**

The Utility Department requests authorization to owner direct purchase for the emergency generator from Ring Power Corporation as provided for in the contract with Wharton-Smith, Inc. to construct the WTP#1 Water Quality Improvements project.

**FISCAL IMPACT:**

No change in the total project authorization is required. This project is funded from the State Drinking Water Revolving Loan Fund. The loan agreement with the final loan amount and interest rate will be brought to the City Commission at a future meeting. Delivery of the emergency and related equipment from Ring Power Corporation will occur within 180 days.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends the City Commission authorize the owner direct purchase of the emergency generator and related equipment from Ring Power Corporation as specified in ITB #004-16-KL in the amount of \$236,870 and authorize the City Manager and the City Attorney to prepare and execute any and all applicable documents.

**CONSENT****308. Office of the City Clerk**

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**REQUEST:**

The City Clerk is requesting the City Commission Review and Approve the Monday, June 13, 2016 City Commission Regular Meeting Minutes.

**FISCAL IMPACT:**

There is no fiscal impact related to this Agenda Item.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The City Clerk is requesting the City Commission review and consider offering their Approval of the Monday, June 13, 2016 City Commission Regular Meeting Minutes.

**CONSENT**

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**309. Office of the City Clerk**

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**REQUEST:**

The City Clerk is requesting the City Commission Review and Approve the Monday, July 11, 2016 City Commission Workshop Minutes.

**FISCAL IMPACT:**

There is no fiscal impact related to this Agenda Item.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The City Clerk is requesting the City Commission review and consider offering their Approval of the Monday, July 11, 2016 City Commission Workshop Minutes as provided.

**PUBLIC HEARINGS AGENDA****PUBLIC HEARINGS**

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**400. Office of the City Attorney**

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**REQUEST:**

On behalf of the Police Chief, the City Attorney requests that the City Commission consider on Second Reading the final adoption of Ordinance No. 2016-01 authorizing law enforcement to seize and impound motor vehicles that are used to facilitate certain enumerated misdemeanor crimes and parking and traffic violations within the jurisdictional limits of the City, and establishing a special magistrate procedure to afford violators an opportunity to contest the impoundment and related penalties and costs.

**FISCAL IMPACT:**

There is no direct fiscal impact related to the adoption of this Ordinance other than staff and attorney time to prepare the Ordinance and Agenda Item. However, the Ordinance will require that the City Commission appoint a special magistrate to timely conduct hearings under the Ordinance. As such, the City will be responsible for incurring special magistrate fees related to the hearings. The fees will depend on the future negotiated rate and the case load handled by the special magistrate.

Special magistrate fees are not recoverable against the code violator as “costs” under Chapter 162, Florida Statutes. See Op. Att’y Gen. Fla. 14-04 (2014) (s. 162.07(2), Fla. Stat. does not allow a city to recover against a code violator the fees paid to a special magistrate or to the special magistrate’s assistant).

However, violations of this Ordinance shall be subject to a \$500 civil penalty, plus costs. It is uncertain as to how much the City will collect in penalties and costs because that amount is dependent upon the occurrence of a violation.

Furthermore, the City will retain the services of one or more towing companies in order to implement this Ordinance. The costs related to the towing and storage of motor vehicles will be paid for by violators. If a special magistrate determines that a motor vehicle was improperly seized and impounded by the City, the City will attempt to negotiate favorable terms and conditions with the towing companies related to the costs associated with the improper impoundments.

**COMMUNICATION EFFORTS:**

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Second Reading of this ordinance was advertised in the Orlando Sentinel on June 23, 2016.

**RECOMMENDATION:**

The Police Chief, City Manager and City Attorney recommend that the City Commission adopt Ordinance No. 2016-01 on Second Reading.

## PUBLIC HEARINGS

**401. Public Works Department - Urban Beautification Division**

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**REQUEST:**

The Public Works Department, Urban Beautification Division, is requesting that the City Commission hold a public hearing for the second reading and approval of Ordinance 2016-03, updating sections of Chapter 5, Tree Protection and Preservation.

**FISCAL IMPACT:**

Currently, contributing to the arbor fund is cost prohibitive for most residents and is a replacement option that is rarely used. It is expected that once the contribution amount is lowered, more residents will utilize this replacement option, which will provide money to the arbor fund to be used for the installation/maintenance of trees on public property.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The Public Works Department, Urban Beautification Services Division, recommends that the City Commission approve the second reading of Ordinance 2016-03.

## PUBLIC HEARINGS

**402. Community Development Department - Planning Division**

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**REQUEST:**

The Community Development Department - Planning Division is requesting the City Commission consider Resolution 2016-19, which documents the City Commission's consent to the Seminole County Board of County Commissioners vacation and annulment of the Tuscany Place plat.

**FISCAL IMPACT:**

There is no fiscal impact associated with this agenda item.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The Community Development Department - Planning Division is requesting the City Commission approve Resolution 2016-19, which allows the City Commission to consent to the Seminole County Board of County Commissioners vacation and annulment of the Tuscany Place plat.



## REGULAR AGENDA

### REGULAR

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#### 500. Office Of The City Manager And Finance And Administrative Services Department



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#### **REQUEST:**

The City Manager is requesting that the City Commission consider approval of Resolution 2016-13, computing the Proposed Operating Millage Rate for Fiscal Year 2017 at 2.4300 mills and Voted Debt Service Millage Rate at 0.1100 mills, establishing the rolled-back rate, and setting the date, time and place of a public hearing to consider the proposed millage rate and tentative budget for Fiscal Year 2017.

#### **FISCAL IMPACT:**

The increase in property values which has been programmed into the FY 2017 Proposed Budget is sufficient to fund the proposed budget presented on July 1, 2016, barring any unforeseen endogenous or exogenous economic impacts.

#### **COMMUNICATION EFFORTS:**

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The budget calendar has been on the City's website since its approval in March and the FY 2017 Proposed Budget was published on the City's website on July 8<sup>th</sup>. Notice of the 2017 budget workshop was advertised on the City Hall electronic sign and the July newsletter. The Property Appraiser will mail each property owner a TRIM notice prior to the first Public Hearing (Sept 12<sup>th</sup>) and the final Public Hearing will be advertised in the Orlando Sentinel in compliance with and according to Florida statutes.

**RECOMMENDATION:**

It is recommended that the Commission take the following action:

- Adopt Resolution 2016-13 setting the proposed operating millage rate at 2.4300 mills and setting the proposed voted debt service millage rate at 0.1100 mills for a total proposed millage rate of 2.5400 mills, and establishing the rolled-back rate at 2.3320 mills.
- Establish the date, time and place for a public hearing regarding the proposed millage rate and the tentative budget as September 12, 2016 at 5:15 P.M. at 1126 East State Road 434, Winter Springs, Florida (Commission Chambers).

**REGULAR****501. Public Works Department**

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**REQUEST:**

The Public Works Department requesting authorization to enter into an agreement with Mercon Construction Company for construction of Trotwood Park Parking Lot Improvements, ITB #03-16-BS, in the amount of \$472,569.72 plus a 10% contingency.

**FISCAL IMPACT:**

The construction project cost is \$472,569.92 plus a 10% contingency, for a total construction authorization of \$519,826.91. The project is funded by the Infrastructure Surtax Fund (One -Cent Sales Tax, Second Generation) in the amount of \$369,826.91, plus a supplemental appropriation from the fund balance in the amount of \$150,000, for a total of \$519,826.91.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

Staff recommends the City Commission authorize entering into an agreement with Mercon Construction Company for construction of Trotwood Park Parking Lot Improvements, ITB #03-16-BS, in the amount of \$472,569.92 plus a 10% contingency, and authorize the City Manager and the City Attorney to prepare and execute any and all applicable documents.

## REGULAR

**502. Parks and Recreation Department**

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**REQUEST:**

The Parks and Recreation Department requests the City Commission review and discuss planning for the Holiday Parade portion of the Winter Wonderland community event.

**FISCAL IMPACT:**

Total Winter Wonderland event costs resulting from a change to a west side parade are approx. \$21,400, or a 142% increase over current event costs. Increased costs are due mainly to necessary public safety staffing and equipment for road closures.

**COMMUNICATION EFFORTS:**

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**RECOMMENDATION:**

The Parks & Recreation and Police Departments recommend the Commission review and discuss planning for the City's Winter Wonderland community event and provide direction as it deems appropriate.

## REGULAR

**503. Community Development Department - Planning Division**

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**REQUEST:**

The Community Development Department – Planning Division requests the City Commission consider a Modification to the Developer's Agreement for Nursery Road Warehouse, Phase IV, located on the south side of Nursery Road near the intersection of Nursery Road and Talmo Street.

**FISCAL IMPACT:**

There is no direct fiscal impact associated with this agenda item.

**COMMUNICATION EFFORTS:**

This Agenda Item has been electronically forwarded to the Mayor and City Commission, City Manager, City Attorney/Staff, and is available on the City's Website, LaserFiche, and the City's Server. Additionally, portions of this Agenda Item are typed verbatim on the respective Meeting Agenda which has also been electronically forwarded to the individuals noted above, and which is also available on the City's Website, LaserFiche, and the City's Server; has been sent to applicable City Staff, Media/Press Representatives who have requested Agendas/Agenda Item information, Homeowner's Associations/Representatives on file with the City, and all individuals who have requested such information. This information has also been posted outside City Hall, posted inside City Hall with additional copies available for the General Public, and posted at six (6) different locations around the City. Furthermore, this information is also available to any individual requestors. City Staff is always willing to discuss this Agenda Item or any Agenda Item with any interested individuals.

At the direction of the Commission, courtesy notification letters were mailed on June 20, 2016, to four residential property owners within 150 feet of the subject property. Additionally, Staff hand delivered the notification letter on June 30, 2016. At that time, Staff made contact with one property owner, who did not oppose the DA Modification. Staff has not received any calls from any of the property owners for or against this request.

**RECOMMENDATION:**

City Staff recommends that the City Commission approve the First Modification of the Developer's Agreement between Reeco Properties and the City of Winter Springs to allow the option of constructing an 8-foot opaque fence in order to save existing mature trees.

## REGULAR

**504. Office of the City Clerk**

Scan with your smart device to view electronically

**REQUEST:**

The City Clerk requests that Members of the City Commission make applicable Appointments/Reappointments to the Code Enforcement Board, the Planning and Zoning Board/Local Planning Agency, and the Tuscawilla Lighting and Beautification District Advisory Committee which reflect current vacancies and/or Terms of Office which will be expiring in July 2016.

**FISCAL IMPACT:**

There is no related Fiscal Impact to this Agenda Item.

**COMMUNICATION EFFORTS:**

This Agenda Item has been electronically forwarded to the Mayor and City Commission, City Manager, City Attorney/Staff, and is available on the City's Website, LaserFiche, and the City's Server. Additionally, portions of this Agenda Item are typed verbatim on the respective Meeting Agenda which has also been electronically forwarded to the individuals noted above, and which is also available on the City's Website, LaserFiche, and the City's Server; has been sent to applicable City Staff, Media/Press Representatives who have requested Agendas/Agenda Item information, Homeowner's Associations/Representatives on file with the City, and all individuals who have requested such information. This information has also been posted outside City Hall, posted inside City Hall with additional copies available for the General Public, and posted at six (6) different locations around the City. Furthermore, this information is also available to any individual requestors. City Staff is always willing to discuss this Agenda Item or any Agenda Item with any interested individuals.

Information about applicable Seats referenced in this Agenda Item has been provided to the applicable Board and Committee Members, the Mayor and City Commission; as well as information on other possible Board/Committee Applications that the City has on file has been provided to the Mayor and City Commission.

**RECOMMENDATION:**

An individual Motion is requested for each Nomination please.

Appointments/Reappointments to be made by:

**Seat One – Deputy Mayor Jean Hovey:*****Code Enforcement Board***

Seat currently held by Matthew Criswell

and

***Planning and Zoning Board/Local Planning Agency***

Vacant Seat (Seat was previously held by Howard Casman)

**Seat Two – Commissioner Kevin Cannon:*****Code Enforcement Board***

Seat currently held by Greg Roero

**Seat Four - Commissioner Cade Resnick:*****Tuscowilla Lighting and Beautification District Advisory Committee***

Seat currently held by Tom Vagnini

**Seat Five - Commissioner Joanne M. Krebs:*****Code Enforcement Board***

Seat currently held by Maurice Kaprow

and

***Planning and Zoning Board/Local Planning Agency***

Seat currently held by Suzanne Walker

Again, any Appointment(s)/Reappointment(s) for any of your Boards and Committees that are not made at this Meeting, can be placed on the next Agenda if so desired.

**REPORTS****REPORTS**

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**600. Office of the City Attorney - Anthony A. Garganese, Esquire**

**REPORTS**

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**601. Office of the City Manager - Kevin L. Smith**

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**REPORTS**

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**602. Office of the City Clerk - Andrea Lorenzo-Luaces, MMC**

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**REPORTS**

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**603. Office of Commissioner Seat One/Deputy Mayor - The Honorable Jean Hovey**

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**REPORTS**

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**604. Office of Commissioner Seat Two - The Honorable Kevin Cannon**

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**REPORTS**

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**605. Office of Commissioner Seat Three - The Honorable Pam Carroll**

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**REPORTS**

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**606. Office of Commissioner Seat Four - The Honorable Cade Resnick**

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**REPORTS**

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**607. Office of Commissioner Seat Five - The Honorable Joanne M. Krebs**

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**REPORTS**

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**608. Office of the Mayor - The Honorable Charles Lacey**

## **PUBLIC INPUT**

(Anyone who wishes to speak during Public Input on any Agenda Item or subject matter will need to fill out a “Public Input” form. In its discretion, the City Commission may set aside up to thirty additional minutes at the end of each City Commission meeting for additional public input by any resident or taxpayer of the City about items of public interest. It is not appropriate to readdress quasi-judicial and public hearing items previously addressed by the City Commission at the same meeting, nor to advance arguments or repetitious questions concerning matters which the City Commission believes to be closed. Individuals will limit their comments to three (3) minutes, and representatives of groups or homeowners' associations shall limit their comments to five (5) minutes, unless otherwise determined by the City Commission.)

## ADJOURNMENT

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### ❖ PUBLIC NOTICE ❖

This is a Public Meeting, and the public is invited to attend.

This Agenda is subject to change.

Please be advised that one (1) or more Members of any of the City's Advisory Boards and Committees may be in attendance at this Meeting, and may participate in discussions.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City of Winter Springs at (407) 327-1800 "at least 48 hours prior to meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26 *Florida Statutes*.

"If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she 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" - per Section 286.0105 *Florida Statutes*.

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