



## **APOPKA CITY COUNCIL MEETING AGENDA**

**JANUARY 18, 2023 7:00 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**

### **CLOSED LITIGATION EXECUTIVE SESSION**

1. Closed Litigation Executive Session. Pursuant to Sec. 286.011(8), Fla. Stat., the City Council, City Administrator, City Attorney, will hold a closed litigation executive session to discuss pending litigation In re: Estate of Austin Duran, Claim No. GC2022108445. The discussion shall be confined to settlement negotiations or strategy sessions relating to litigation. The following individuals will be in attendance at the Executive Session: Mayor Bryan Nelson, Commissioner Kyle Becker, Commissioner Diane Velazquez, Commissioner Alexander Smith, Commissioner Nick Nesta, City Administrator Edward Bass, City Attorney Michael A. Rodriguez, Special Counsel William E. Lawton, and FLC Claims Manager Chris Smith, and a court reporter. The Closed Litigation Executive Session will be held in the Mayor's Conference Room. A Court Reporter will be present to record the session and the transcript shall be made part of the public record upon conclusion of the litigation.

### **APPROVAL OF MINUTES**

1. Regular Council Meeting Minutes of January 4, 2023.

### **PRESENTATIONS**

1. Certificate of Safety Recognition Presented to Apopka Police Department  
Presented by: Trevor Reschny and Tyler Denahan, Florida League of Cities.

### **AGENDA REVIEW**

### **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. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

### **CONSENT (Action Item)**

1. Approve the Gardenia Reserve School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.
2. Approve the Oaks at Kelly Park Phase 3 School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.
3. Approve the Windrose School Concurrency Mitigation Agreement and authorize the Mayor to sign the Agreement.
4. Authorize the City Administrator to execute the lease agreement with Ms. Smith Investments, LLC. for property at 633 S. Park Avenue.
5. Authorize the disposal of capital surplus equipment.
6. Authorize the issuance of evaluated and sole source memos.
7. Accept the disbursement report for December 2022.

**BUSINESS (Action Item)**

1. Authorize the execution of piggyback contract with ZHA for facility construction, consulting and owner's representation services.  
Presented by: Richard Earp
2. Authorize an Emergency Designation for Public Services to procure the services of Ballenger Irrigation for design, permitting, construction, and one year of routine maintenance of the Alternative Water Supply irrigation pump stations for Clear Lake Estates and Clear Lake Landings.  
Presented by: Richard Earp
3. Discussion relating to creation of Economic Development Department and position of Economic Development Director.  
Presented by: Commissioner Becker

**PUBLIC HEARINGS/ORDINANCES/RESOLUTION (Action Item)**

1. Ordinance No. 2980 - Second Reading – Small Scale Future Land Use Amendment - 3405 West Ponkan Road  
Owner: Phillip and Patricia Simmons  
Applicant: P&P Buildcon, LLC  
Location: 3405 West Ponkan Road  
Project: 9.95 +/- acres  
Project Manager: Roxann Read
2. Ordinance No. 2981 - Second Reading – Change of Zoning - 3405 West Ponkan Road  
Owner: Phillip and Patricia Simmons  
Applicant: P&P Buildcon, LLC  
Location: 3405 West Ponkan Road  
Project: 9.95 +/- acres  
Project Manager: Roxann Read
3. Ordinance No. 2982 - Second Reading – Change of Zoning - Strickland Properties  
Owner: Timothy Lee Strickland Revocable Trust  
Applicant: Hear This Capital, LLC  
Location: 310 Conrad Road  
Project: 20.7 +/- acres  
Project Manager: Roxann Read
4. Ordinance No. 2983 - Second Reading – Change of Zoning - Ward Family Partners  
Owner: Ward Family Partners, LLLP  
Applicant: Benge Development Corporation  
Location: 3951 West Kelly Park Road  
Project: 17.6 +/- acres  
Project Manager: Roxann Read
5. Ordinance No. 2984 - First Reading - Change of Zoning - Soil Blending Properties  
Owners: Soil Blending Properties, LLC & Raynor Apopka Land Management, LLC  
Applicant: Michael Dinkel  
Location: 136 Hermit Smith Road  
Tract Size: 20.15 +/- acres  
Project Manager: Roxann Read
6. Ordinance No. 2985 - First Reading - Small Scale Future Land Use Amendment - Soil Blending Properties  
Owners: Soil Blending Properties, LLC & Raynor Apopka Land Management, LLC  
Applicant: Michael Dinkel  
Location: 136 Hermit Smith Road  
Tract Size: 20.15 +/- acres  
Project Manager: Roxann Read
7. Ordinance No. 2993 - First Reading – Amending Chapter 22 – Capital Facilities and Impact Fees, Article IV – Water, Sewer, and Reuse Capital Facility Fees and Fund, Section 22-97, Section 22-98, and Section 22-99.  
Presented by: Vladimir Simonovski

8. Ordinance No. 2996 – First Reading - Providing for the Issuance of Trespass Warnings on or within any City Maintained or Owned Public Properties, Buildings, Parks, and for an Appeals Process  
Presented by: Michael Rodriguez
  
9. Ordinance No. 2997 – First Reading - Establishing Public Health and Safety Regulations on Public Property within the City of Apopka  
Presented by: Michael Rodriguez
  
10. Resolution No. 2023-02 - FY22/23 Budget Amendment  
Presented by: Blanche Sherman

## **CITY COUNCIL REPORTS**

### **CITY ADMINISTRATOR'S REPORT**

### **CITY ATTORNEY'S REPORT**

### **MAYOR'S REPORT**

### **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.