



**City Council
April 26, 2021
Council Chambers
6:30 PM**



WELCOME to our City Council meeting. In the interest of time efficiency, the following will prevail for comments by the public. Each speaker will be permitted up to 3 minutes to state his/her case. Group presentations will be permitted 3 speakers including the spokesperson - each being limited to up to 3 minutes. No speakers will be interrupted. Please silence all electronic devices during the meeting. THANK YOU for participating in your City Government.

- I. Call to Order
- II. Invocation - Jocelyn Williamson, Central Florida Freethought Community
- III. Pledge of Allegiance
- IV. Public Hearing - None
- V. Old Business
- VI. Consent Agenda
 1. Approve the City Council Meeting minutes of April 12, 2021
 2. Pavement Striping Contract
 3. Firehouse Subs Public Safety Foundation Grant
 4. Lift Station 1 and Dommerich Hills Sanitary Sewer CEI Ranking
 5. Utility Infrastructure and Site Restoration Services Agreement
 6. Road Resurfacing Contract with Asphalt Paving Systems
- VII. Public Period
- VIII. Decisions - None
- IX. Discussions
 1. Pet Restrictions in Independence Square
 2. Firearm Preemption Lawsuit - Appeal to Florida Supreme Court
- X. City Manager's Report/City Attorney/Council Reports
- XI. Adjournment

Notice: Any person who desires to appeal any decision made at this meeting or hearing will need a record of the proceedings and, for this purpose, may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's office (407-539-6219) 48 hours in advance of the meeting.

Disclaimer: 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 invocation and to stand and recite the Pledge of Allegiance. 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.

MEETING DATE		AGENDA
April 26, 2021		Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 1.
Subject: Approve the City Council Meeting minutes of April 12, 2021		
Requested Action or Motion: Move to approve the City Council meeting minutes of April 12, 2021		
Summary Explanation & Background:		
Fiscal Impact: N/A		
Exhibits: 1. CC Minutes 04122021		
Commission/Board: City Council		
Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
April 26, 2021		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 2.

Subject: Pavement Striping Contract
Requested Action or Motion: Move to authorize the City Manager to “piggyback” Seminole County contract IFB-603176-18/BJC with Fausnight Stripe & Line, Inc. for pavement striping services.
Summary Explanation & Background: Each year the Public Works Streets Division budgets funds for various streets and paved areas throughout the City to be re-striped. It is anticipated that the amount needed for these services will exceed the City Manager's threshold and therefore requires City Council approval. After research and review of available piggyback options with qualified contractors in the area, Public Works is proposing to contract with Fausnight Stripe & Line, Inc., to perform services to restripe multiple streets throughout the City on a continuing service contract basis, utilizing the Seminole County contract 1FB-603176-18/BJC that is in effect from October 22, 2020, to August 12, 2021, with the option for two (2) successive renewal periods of one (1) year each. Staff recommends "piggybacking" Seminole County contract 1FB-603176/-18/BJC with Fausnight Strip & Line, Inc., for pavement striping services which expire 8/12/2021 with renewal options per the agreement. Funds to cover these services are budgeted annually within the Public Works Streets Division Budget.
Fiscal Impact: Funds budgeted within the Public Works Streets Division Operating Budget
Exhibits: 1. ifb-603176-18 bid package 2. ifb-603176-18 pricing
Commission/Board: City Council
Contact Person: Christopher Kennedy, Assistant Public Works Director (407) 539-6217
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
April 26, 2021		Section: Consent Agenda
Department/Office : Fire/Rescue	AGENDA REPORT	Item #: 3.
Subject: Firehouse Subs Public Safety Foundation Grant		
Requested Action or Motion: Move to authorize the City Manager to execute any documents associated with the grant.		
Summary Explanation & Background: The Fire-Rescue Department submitted for funding through the Firehouse Subs Public Safety Foundation Grant for E-Hydraulic vehicle extrication equipment. The grant, which is 100% funded by the foundation, has been approved in the amount of \$34,700.		
Fiscal Impact: None - grant will cover all costs of the equipment.		
Exhibits: None		
Commission/Board: City Council		
Contact Person: Will Watts, Fire Chief 407-644-6345		
Reviewed by City Attorney No		

MEETING DATE		AGENDA
April 26, 2021		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 4.

Subject:

Lift Station 1 and Dommerich Hills Sanitary Sewer CEI Ranking

Requested Action or Motion:

Move to approve the ranking of firms as recommended from staff, and authorize the City Manager to negotiate a contract for CEI Services for the construction of Lift Station 1 and the Dommerich Hills Sanitary Sewer Installation project.

Summary Explanation & Background:

The City of Maitland has committed to providing sanitary sewer services to the Dommerich Hills area of the City. In the current Capital Improvement Plan (CIP), the overall project is divided into four phases, with Phase I inclusive of Lift Station 1 having been designed and currently in the bidding process.

On March 8, 2021, the City received statements of qualifications for Request For Qualifications (RFQ) Number 351-2021-01, Professional Construction, Engineering & Inspection (CEI) Services for Lift Station No. 1, and the subsequent phases for the Dommerich Hills Sewer Installation Project. Three firms submitted written statements of qualifications that were evaluated by City staff and subsequent oral presentations were held by the three submitting firms. The oral presentations were held on April 8, 2021. The four (4) person selection committee, comprised of three (3) staff members from Public Works and the Public Information Officer, evaluated the written statements and oral presentations to develop a cumulative average ranking of the three firms.

The overall final ranking from staff is:

1. Neel Schaffer
2. PSA
3. DRMP

Neel Schaffer was selected as the top ranked firm due to their thoroughness in addressing the concerns of both Public Works and the Public Information Officer. Their written submittal was well organized and thoughtful in answering the concerns of a difficult project as described in the RFQ. During their oral presentation, their firm was represented by the appropriate staff as requested by the selection committee and provided answers that addressed both the complicated nature of the project as well as the public outreach that will be necessary for a successful venture. The selection committee is confident that Neel Schaffer will be able to provide quality CEI services for this project.

Staff is recommending City Council approve the ranking and authorize the City Manager to negotiate a contract with the top ranked firm. After negotiations, the contract will be brought to City Council for approval.

Fiscal Impact:

Funding available in 41351535-566300 (Project # WW801)

Exhibits:

1. Scorecard - Tally
2. Lift Station No. 1 CEI RFQ (Dommerich Hills)

Commission/Board: City Council

Contact Person: Christopher Kennedy, Assistant Public Works Director (407) 539-6217

Reviewed by City Attorney

N/A

MEETING DATE		AGENDA
April 26, 2021		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 5.

Subject: Utility Infrastructure and Site Restoration Services Agreement
Requested Action or Motion: Move to authorize the City Manager to "piggyback" the City of Altamonte Springs contract AB15033B with Cathcart Construction Company for Utility Infrastructure and Site Restoration.
Summary Explanation & Background: Each year the Water and Wastewater Divisions budget funds for both water and sewer pipe repairs, as well as new service installations, that are too large or complicated for City staff and require a utility contractor to perform the work. After research and review of available piggyback options with qualified contractors in the area, Public Works is proposing to contract with Cathcart Construction Company, LLC to perform utility infrastructure construction/modification and site restoration within the City on a continuing service contract basis, utilizing the City of Altamonte Springs Contract #AB15033B that is in effect from December 31, 2015, until December 30, 2021, with potential extensions available in future years. It is anticipated that the amount needed for these services will exceed the City Manager's threshold and therefore requires City Council approval. Staff recommends City Council authorize the City Manager to execute a piggyback contract with Cathcart Construction Company through December 30, 2021. Funds to cover these services are budgeted annually within the Public Works Water and Wastewater Divisions Budgets.
Fiscal Impact: Funds budgeted within the Public Works Water and Wastewater Divisions Budgets
Exhibits: 1. Cathcart Infrastructure Master Contract AB15033B 2. AB15033B_-_Amendment_No._1_add_items_Executed 3. AB15033B_-_Amendment_No._2_Add_Items_Executed 4. AB15033B_-_Contract_Renewal_Renewed_until_12-30-2021
Commission/Board: City Council
Contact Person: Christopher Kennedy, Assistant Public Works Director (407) 539-6217
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
April 26, 2021		Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 6.
Subject: Road Resurfacing Contract with Asphalt Paving Systems		
Requested Action or Motion: Move to authorize the City Manager to contract with Asphalt Paving Systems utilizing a piggyback off Lee County Contract No. B170265ANB C-7804 (valid through 9/4/2021) for the Pavement Improvement Program.		
Summary Explanation & Background: Funds are included in the FY-2021 Capital Improvements Program for City wide street paving and resurfacing needs. This annual program is designed to prioritize and provide treatment of streets based on the pavement condition rating (PCR) and to maintain the City's average PCR at an acceptable level. The pavement improvement plan is prioritized based upon staff's review of location, condition and contractor efficiency. The plan is also coordinated with all other infrastructure needs such as water, sewer, and storm water improvements. Many of the City's roadways are starting to crack due to age and weathering, but still have an adequate base under the pavement. Staff continually reviews the condition assessment of the roads to determine the roadways that are prime candidates for utilizing both micro surfacing and cape sealing (chip sealing and micro paving combined). Micro surfacing is a new thin lift of overlay that is applied over the existing asphalt to protect the asphalt and act as a new wearing surface. Not only is micro surfacing typically 50-70% less expensive than milling and resurfacing, but it also reduces greenhouse gases by 44% or more, and energy use by 54% or more, compared to traditional resurfacing methods. These alternative paving applications are not proposed in lieu of milling and resurfacing but are proposed as a method to extend the life cycle of the existing pavement for up to 10 to 12 years until milling and resurfacing would be required. After research and review of available piggyback options with qualified contractors in the area, Public Works is proposing to contract with Asphalt Paving Systems to perform services to resurface multiple streets throughout the City on a continuing service contract basis, utilizing Lee County Contract C-7804, that is in effect from September 5, 2020 to September 4, 2021. It is anticipated that the amount needed for these services will exceed the City Manager's threshold and therefore requires City Council approval. Staff recommends City Council authorize the City Manager to contract with Asphalt Paving Systems utilizing a piggyback off Lee County Contract No. B170265ANB C-7804 (valid through 9/4/2021) for the Pavement Improvement Program.		
Fiscal Impact: Funds are available in the FY 2021 CIP under project number PV001.		

Exhibits:

1. B170265-ANB APS 20-21 Renewal
2. Lee Co (Ful Bid)
3. Lee Co Contract B170265-ANB

Commission/Board: City Council**Contact Person:** Christopher Kennedy, Assistant Public Works Director (407) 539-6217

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
April 26, 2021		Section: Discussions
Department/Office : Parks & Recreation	AGENDA REPORT	Item #: 1.
Subject: Pet Restrictions in Independence Square		
Requested Action or Motion: N/A - Discussion Only		
Summary Explanation & Background: The completion of the construction of Independence Square has highlighted the need to keep a portion of the park as sanitary as possible so that future event patrons are able to fully utilize grass seating areas during movies, concerts, etc. In order to accommodate the many pet owners in the downtown area, a portion of the park has been designated as a "test" area that is "pet friendly" where owners are able to freely walk their pets. Signage has been posted which confines pet owners to only use the grass areas in front of City Hall and immediately adjacent to Independence Lane and restricts them from using larger seating areas of the park including the "event lawn." The majority of pet owners are complying with this test policy and a dog waste station has been installed in the "pet-friendly" portion of the park to further reiterate the new policy changes. At this point in time the temporary policy has been successful overall. If the Council chooses to permanently enact the temporary policy or make modifications, changes to an ordinance can be drafted and presented at a future meeting, If the City Council would prefer that the prohibition of pets remain, the signs will be relocated and the message will be communicated to the nearby users.		
Fiscal Impact: N/A		
Exhibits: None		
Commission/Board: City Council		
Contact Person: Jay Conn, Parks & Recreation Director 407-539-6264		
Reviewed by City Attorney N/A		

MEETING DATE		AGENDA
April 26, 2021		Section: Discussions
Department/Office : Administration	AGENDA REPORT	Item #: 2.

Subject:

Firearm Preemption Lawsuit - Appeal to Florida Supreme Court

Requested Action or Motion:

Provide direction to staff regarding continued participation in the Firearm Preemption Lawsuit.

Summary Explanation & Background:

In 2011, the Florida Legislature passed, and Governor Scott signed into law, Chapter 2011-109, Laws of Florida, amending Section 790.33, Florida Statutes. This statute outlines the regulation of firearms and ammunition and preempted all regulation to the State. All local ordinances, rules, or regulations were declared null and void. In addition, the statute outlines penalties which: allows a fine of up to \$5,000 against an elected or appointed official for a knowing and willful violation regardless of whether when enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel; prohibits the use of public funds for defense of a knowing and willful violation; allows the Governor to remove from office, without due process of law, any person acting in an official capacity for a local authority, including an elected official, who passes an ordinance or causes to be enforced a local ordinance, administrative rule or regulation impinging on the exclusive authority of Florida legislature to regulate firearms and ammunition in all respects; and awards attorneys' fees to a prevailing plaintiff.

In April 2018, ten Florida cities filed a lawsuit against Governor Rick Scott and other statewide officials seeking to have the 2011 state law completely overturned. In summary, the complaint states the penalties should be declared null and void because they:

- (1) violate constitutional limitations on gubernatorial authority with respect to municipal officers;
- (2) conflict with the constitutional right of elected officials to legislative immunity in connection with their performance of legislative activities;
- (3) conflict with the constitutional right of municipalities to be immune from suit for discretionary functions;
- (4) are overbroad, in violation of local officials' free speech rights;
- (5) are unconstitutionally vague;
- (6) are irrational, arbitrary, and capricious; and
- (7) violate the right to petition and instruct local elected officials.

In April 2018, the City passed Resolution 5-2018 to intervene in the lawsuit and retain Weiss, Serota, Heitman, Cole & Bierman (the "Firm") for a flat fee of \$10 thousand to participate as a plaintiff in the lawsuit and any subsequent appeals. In July 2019, the 2nd Circuit Court ruled the penalty clause of F.S. 790.33 unconstitutional. This invalidated all three specific penalties: (1) removal of local officials from office by the Governor, (2) fines against local officials of up to \$5,000, and (3) lawsuits against local entities for damages of up to \$100,000 and attorney's fees. The defendants (except Nikki Freed)

immediately file an appeal, but only on penalties (2) and (3).

On April 9, 2020, the 1st District Court of Appeals reversed the 2nd Circuit Courts ruling that had invalidated all of the penalties that the State Legislature had enacted for local officials and local governments that violate the State's preemption of local regulation of firearms. The 1st DCA reversed Judge Dodson's decision as to the other two penalties, disagreeing with arguments regarding legislative immunity and governmental function immunity. If the decision of the 1st DCA stands, it would set a precedent allowing the State Legislature to enact legislation providing similar \$5,000 (or even greater) fines against local officials and for lawsuits against local governments (potentially not limited to \$100,000) for violation of ANY preemption that currently exists or may in the future be enacted.

The Firm working on the case have analyzed the opinion and agreed that the next potential step in the lawsuit is seeking a review by the Florida Supreme Court. Unlike other appellate courts, the Florida Supreme Court does not have to hear the appeal - the plaintiffs will need to file a request to appeal. The Firm has advised they plan to request the 1st DCA to certify the issues as of great public importance, which needs to be filed on or before April 26. The petition to the Supreme Court would be due within 30 days after that motion is ruled upon by the 1st DCA.

The engagement letter with the Firm includes any appeals, so at this time the City of Maitland would be included as a plaintiff in the petition to the Florida Supreme Court. The Firm is not requesting any additional fees beyond the initial \$10,000 flat fee approved by the City Council at this time.

Fiscal Impact:

None.

Exhibits:

1. Final Judgment
2. Firearm Preemption Case Decision Of 1st DCA

Commission/Board: City Council

Contact Person: Sharon Anselmo, City Manager 407-539-6221

Reviewed by City Attorney
N/A