City Council
July 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. <u>Please silence all electronic devices during the meeting</u>. THANK YOU for participating in your City Government.

I. Call to Order

II. Invocation - 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 July 12, 2021
2. Dommerich Hills Phases 2, 3, & 4 FDEP Grant Application
3. Greenwood Gardens Drainage Project/ Gamewell Ave. Storm Sewer Improvement
4. Police Station Flooring and Keller Roof Replacement Projects
5. Purchase of Police Vehicle
6. Resolution - Opioid Settlement with State of Florida
7. Resolution - Greenwood Gardens Utility Relocation

VII. Public Period

VIII. Decisions

1. Set the Proposed Millage Rate
2. Appointment - Board of Zoning Adjustment (1)
3. Appointment - Parks & Recreation Advisory Board (1)
4. Receive and Accept Retirement Notification from City Clerk

IX. Discussion

1. Thurston House Lease

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
July 26, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Approve the City Council meeting minutes of July 12, 2021

Requested Action or Motion:

Summary Explanation & Background:

Fiscal Impact:
N/A

Exhibits:
1. Minutes 7122021

Commission/Board: City Council

Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307

Reviewed by City Attorney
N/A

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

Subject:
Dommerich Hills Phases 2, 3, & 4 FDEP Grant Application

Requested Action or Motion:
Move to direct the City Manager to proceed with the DEP Water Protection Grant Application to recuperate costs associated with the Dommerich Hills Sanitary Sewer Improvement project for Phases II, III, and IV.

Summary Explanation & Background:
The City of Maitland has committed to providing sanitary sewer services to the Dommerich Hills area of the City. The overall project is divided into four phases, with Phase I inclusive of the relocation of Lift Station 1. Sewer service is being provided to improve the level of service to the area and eliminate septic systems, which is expected to improve water quality within the community. The construction contract for Phase I was approved by City Council on June 14, 2021. Phases II through IV include 344 homes currently on septic tanks and are scheduled in the approved FY 2021-2026 Capital Improvement plan.

The State of Florida is working to improve overall water quality. As part of this effort, the Department of Environmental Protection (DEP) has opened grant funding to assist with projects such as the Dommerich Hills improvements. The Wastewater Grants section under the Water Protection Grants program is provided to governmental entities for wastewater projects that reduce excess nutrient pollution within a basin management action plan (BMAP), alternative restoration plan adopted by final order, or rural area of opportunity. The program is subject to appropriation and requires a 50% local match of funds.

Since the Dommerich Hills Sewer Improvement Project met the criteria for the grant, staff submitted a proposal on behalf of the City of Maitland for Phases II through IV. The grant request is for 50% of the current estimated costs for Phases II through IV:

Phase II: 2022 - Total Project Cost = $2,700,000, Grant Request = $1,350,000
Phase III: 2023 - Total Project Cost = $2,000,000, Grant Request = $1,000,000
Phase IV: 2024 - Total Project Cost = $2,700,000, Grant Request = $1,350,000

Should the Water Protection grant application be successful, up to $3,700,000 of the total project construction cost could be recuperated. Staff is supportive of this application and recommends that City Council move to direct the City Manager to proceed with this grant application for the current year grant cycle. If awarded, City Council will still need to formally accept the funding and authorize the grant agreement.

Fiscal Impact: Up to an additional $3,700,000 to the Utility Fund (only if the grant application is successful)
Exhibits: None
Commission/Board: City Council
Contact Person: Christopher Kennedy, Assistant Public Works Director (407) 539-6217
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Public Works	AGENDA REPORT	Item #: 3.

Subject:
Greenwood Gardens Drainage Project/ Gamewell Ave. Storm Sewer Improvement

Requested Action or Motion:
Move to authorize the City Manager to execute a professional engineering services agreement with Burgess & Niple for the design of the Greenwood Gardens Drainage Project.

Summary Explanation & Background:
In 2017, Burgess and Niple (B & N) performed a preliminary evaluation to address localized ponding in the Greenwood Gardens neighborhood. B & N evaluated a total of five alternatives and provided a final recommendation of constructing a typical urban curb and gutter stormwater collection system throughout the neighborhood. The project was deferred in order to allow the electric underground assessment project in the neighborhood to be completed. The undergrounding project was completed in 2019.

Burgess and Niple has provided a scope of services for design of the preferred alternative in the amount of $65,525.36 under their continuing engineering contract with the City.

Staff recommends City Council authorize the City Manager to execute a professional engineering services agreement with Burgess & Niple for the design of the Greenwood Gardens Drainage Project.

Fiscal Impact:
$65,525.36 budgeted in Stormwater Account 132-371-537-533100

Exhibits:
1. Maitland Gamewell Avenue Storm Sewer Improvements Agreement-DRAFT 070621

Commission/Board: City Council

Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307

Reviewed by City Attorney
N/A

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

Subject:
Police Station Flooring and Keller Roof Replacement Projects

Requested Action or Motion:
Move to authorize the City Manager to execute the contracts with Johnson-Laux Construction, LLC for the Police station carpet replacement project, in the amount of $114,715.20, and Keller Ball Fields roof replacements project, in the amount of $63,915.57.

Summary Explanation & Background:
At the June 28, 2021 City Council meeting Council authorized the City Manager to "piggyback" the Sourcewell contract FL-ECA-GC03-121918-JLC with Johnson-Laux Construction, LLC for Job Order Contracting (JOC) on multiple City projects.

Johnson-Laux Construction, LLC has provided proposals based on this Sourcewell contract for multiple projects within the City. Staff is recommending to move forward with two of these proposals to address projects included in the FY21 Capital Improvement Program Project #CF001City Wide Facilities / Master Planning. Johnson-Laux has provided a proposal for the replacement of approximately 15,000 square feet of the Police Station carpet with Luxury Vinyl Planking (LVP) in the amount of $114,715.20. Johnson-Laux also submitted a proposal for the replacement of the roof on the 2 story building and the six (6) dugouts at the Keller Ball Field facility in the amount of $63,915.57. The combined cost of these two projects is $178,630.57 and both projects exceed the City Manager's approval authority.

Staff recommends City Council to move to authorize the City Manager to execute the contracts with Johnson-Laux Construction, LLC for the Police Station carpet replacement, in the amount of $114,715.20, and Keller Ball Field Facility roof replacements, in the amount of $63,915.57.

Fiscal Impact:
Funds are available in General Fund 01414519-566200 Project # CF001.

Exhibits:
1. Johnson-Laux Proposal - Keller Park Roofs
2. Johnson-Laux Proposal - MPD Floors

Commission/Board: City Council

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

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Police Department	AGENDA REPORT	Item #: 5.

Subject:
Purchase of Police Vehicle

Requested Action or Motion:
Move to authorize the purchase of one police package vehicle for $49,600 from Garber Ford Fleet Sales, Jacksonville.

Summary Explanation & Background:
This replacement is an unscheduled replacement as the vehicle 300 was hit by an insured motorist in an accident. The City has insurance recoveries from the accident and the balance of the non-recovered amount will come from current year savings in the City Manager contingency.

This will be a Ford Explorer Police Interceptor and will be purchased from Garber Fleet Sales via Florida Sheriffs Association contract FSA20-VEL 28.0 for $49,600.

This vehicle will be equipped with LED emergency lighting, light bars, grill lights, rear deck lights, mirror lights, siren and speaker, computer stand, decals, prisoner seat & cage divider, gun lock, back up camera and weapons vault.

Staff evaluated the hybrid vehicles in the selection process, including consideration of the relatively new technology available, the additional costs of the hybrid relative to the overall maintenance track record on the Ford Explorer vehicles, and that the budgeted funds for vehicle replacements were already established prior to the Climate Change Resolution.

It should be noted that 2 Ford Explorer hybrids have been ordered for the Police Department, and are still on backorder. The intention is to evaluate their performance, reliability and overall utility prior to committing to the purchase of additional hybrids. Further, Ford is experiencing build issues as their primary chip manufacturing facility in South Korea experienced a factory fire resulting in supply chain issues.

Due to the long lead times for police vehicles, staff recommends Council approve the purchase for the wrecked vehicles while the City negotiates with insurance.

Fiscal Impact:
Funded by insurance proceeds and Manager's contingency.

Exhibits:
1. Maitland PD 22 Ford Utility Interceptor AWD (Marked Ecoboost) Quote 6-24-21

Commission/Board: City Council

Contact Person: Jerry Gray, Finance Director 407-539-6201
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 6.

Subject:
Resolution - Opioid Settlement with State of Florida

Requested Action or Motion:
Move to adopt a Resolution authorizing the City of Maitland to join with the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a Unified Plan.

Summary Explanation & Background:
In April 2021, the City was notified of the State Attorney General's negotiations on behalf of the State and its subdivisions. The State's proposed memorandum of understanding (the "Florida Plan") outlines the approved uses of the settlement funds and the anticipated amounts to be distributed to cities and counties. The agreement is intended to govern the distribution of settlement proceeds obtained through the Purdue Pharma L.P. and Mallinckrodt PLC Bankruptcies and the Distributors (Cardinal Health, Inc., McKesson Corp. and AmerisourceBergen Corp.) and Johnson and Johnson. Fifteen percent of the settlement funds will be distributed to cities and counties in Florida who opt into the Florida Plan. Three scenarios estimate that the funds that would be available to Maitland would range between $5K and $10K annually over a ten to eighteen year period.

Authorized uses must be directly tied to abatement, the Florida Plan lists core strategies, many of which are services the City does not provide (more likely provided by a Health Department), although Core Strategy A related to Naxolone or other FDA approved drugs to reverse opioid overdoses would fall within the budgets of our first responders. Funds can be used to purchase the drugs, expand training for first responders, schools, community groups and families.

Staff is recommending Council approve and adopt an Resolution to join with the State of Florida and other local governments as a participant in the Florida Plan.

Fiscal Impact:
T/B/D - Estimated Between 5K to 10K.

Exhibits:
1. Opioid Settlement State of Florida
2. Exhibit A - Florida Plan

Commission/Board: City Council

Contact Person: Sharon Anselmo, City Manager 407-539-6221
Reviewed by City Attorney N/A

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Consent Agenda
Department/Office : Administration	AGENDA REPORT	Item #: 7.

Subject:
Resolution - Greenwood Gardens Utility Relocation

Requested Action or Motion:
Move to adopt a resolution accepting the improvements from the Greenwood Gardens undergrounding project and direct the City Manager to prepare a resolution to use the uniform method for the levy, collection and enforcement of non-ad valorem assessments in accordance with Section 197.3632 Florida Statutes to recoup the costs associated with the improvements.

Summary Explanation & Background:
In February 2019, City Council authorized the Greenwood Gardens Undergrounding Project which included the relocation of utilities and installation of pedestrian style street lights. The assessment roll was established in April 2019 and the meter conversion project was started in August 2019. In addition to removal of Duke electric lines, other utilities (cable, telephone, etc) were notified to remove their equipment. The project was completed by June 2020.

The attached resolution will accept the improvements so that the costs of the meter conversion can be assessed to the parcels that benefited. The total cost of the project was $527K, with $81K being assessed to the parcels ($1,893.60 each) over 10 years with 3% per year interest. The assessment will be billed on the owner's annual tax bill.

Staff recommends adopting the resolution and moving forward with the non-ad valorem assessment.

Fiscal Impact:
Recoup 81K to the general fund over 10 years.

Exhibits:
1. Resolution Greenwood Gardens Acceptance of Improvements
2. Exhibit A - Certification of Improvements

Commission/Board: City Council

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

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Set the Proposed Millage Rate

Requested Action or Motion:
(1) Move to set the rolled back millage rate for the 2021 tax year as 4.1693.
(2) Move to set the proposed operating millage rate for the 2021 tax year at _______ mills.
(3) Move to set the proposed voted debt millage rate for the 2021 tax year at 0.2430, for a combined total of _______ mills.
(4) Move to set the date, time and place for the public hearing on the tentative budget for the fiscal year 2021-2022 as Monday, September 13, 2021, 6:30 p.m. in the City Hall Council Chambers.

Summary Explanation & Background:
In accordance with Truth in Millage ("TRIM") compliance requirements as set forth in Chapter 200 of Florida Statutes, the City must calculate a rolled-back rate for the 2021 tax year; set proposed operating and voted debt millage rates and set the date, time and place for the tentative budget hearing. The statutes require separate motions.

The operating millage rate used in preparation of the budget draft of 4.3453 is 4.22% higher than the rolled back rate of 4.1693. A mill is the tax rate for each $1,000 of taxable property value. At 4.3453 mills, a home with a taxable value of $300,000 will pay $1,376 in operating and debt millage to the City of Maitland. Each mill generates $3 million to the General Fund and $337 thousand to the Community Redevelopment Agency. For a home with a taxable value of $300,000, each additional mill will cost the resident $300 on their 2021 tax bill.

The combined total millage rate used in the budget is 4.5883, which is .01 mill less than the prior year's combined total rate of 4.5983.

The maximum millage rate voting requirements outline three levels of voting options. For tax year 2021, the maximum millage rate that can be levied with a majority vote is 5.3034.

Maximum Millage Rate Voting Options	Maximum Millage Rate
Majority Vote (adjusted rolled back rate per State formula)	Up to 5.3034
2/3 Vote of Governing Board (110% of the Majority Vote Millage Rate)	Up to 5.8337
Unanimous Vote of Governing Board or Referendum	Any rate up to statutory limits

Once Council sets the proposed millage, the Certification of Taxable Value (form DR 420) and the Maximum Millage Levy Calculation Preliminary Disclosure (form DR 420 MMP) must be returned to the Orange County Property Appraiser's Office by July 30, 2021. Those forms, which assumes the current millage rate remains unchanged, are attached for Council's review. Once returned, the information will be used to generate the notice of proposed taxes which will be issued mid-August.

The final millage rates will be set at the final public hearing in September. The final millage rate can be any millage equal to or lower than the proposed millage rate set by the Council tonight. The mill rate can be increased after the proposed millage is set, however it involves an onerous process of notification to taxpayers.

Fiscal Impact:
A millage rate of 4.3453 mills generates $13.2 million to the General Fund and $1.4 million to the CRA. A debt millage of 0.2430 generates $820K to the debt service fund.

Exhibits:
1. DR 420 Maitland 2021 Orange County Preliminary Tax Roll
2. DR420MMP FILL- MAITLAND

Commission/Board: City Council

Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : City Clerk	AGENDA REPORT	Item #: 2.

Subject:
Appointment - Board of Zoning Adjustment (1)

Requested Action or Motion:
Council decision.

Summary Explanation & Background:
Currently, a vacancy exists on the Board of Zoning Adjustment. The vacancy is to fill the unexpired term of Daniel Prudhomme who resigned on July 7, 2021 (no longer resides in Maitland). Mr. Gregory Hardwick, the Alternate Member has expressed a desire to be considered for a Full Member status on this Board.

The Council is requested to appoint Mr. Hardwick effective July 7, 2021, to fill the unexpired term of Mr. Prudhomme (Full Member).

Fiscal Impact:
N/A

Exhibits:
None

Commission/Board: City Council

Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307

Reviewed by City Attorney
N/A

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Parks & Recreation	AGENDA REPORT	Item #: 3.

Subject:
Appointment - Parks & Recreation Advisory Board (1)

Requested Action or Motion:
Council decision.

Summary Explanation & Background:
The term of Jeremy Good on the Parks & Recreation Advisory Board expired on June 30, 2021. Mr. Good is eligible and wishes to be considered for reappointment. Mr. Good currently serves as the Vice-Chair.

The following applicants reflect this Board as their:

First (1st) Choice
Kevin dela Cerna
Jeremy Good
Cecilia McInnis

Third (3rd) Choice
William Duff

Copies of their appointment information forms are attached for your review and information.

City Council is requested to make one appointment to the Parks & Recreation Advisory Board effective June 30, 2021 for a three year period.

Fiscal Impact:

Exhibits:
1. dela Cerna - PRAB
2. Duff - PRAB
3. Good - PRAB
4. Mcinnis - PRAB

Commission/Board: City Council

Contact Person: Kathy Sotero, Deputy City Clerk 407-539-2307

Reviewed by City Attorney

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Decisions
Department/Office : Administration	AGENDA REPORT	Item #: 4.

Subject:
Receive and Accept Retirement Notification from City Clerk

Requested Action or Motion:
Receive and accept notice of retirement from the City Clerk.

Summary Explanation & Background:
The City Clerk has submitted notice of her retirement effective November 30, 2021. Staff is requesting that City Council accept this retirement notice and authorize the City Manager to begin the process of recruiting candidates for the position. The Human Resources ("HR') Director will advertise for the position on the City's website as well as through the Florida City Clerk Association job center. Staff is currently reviewing and updating the City Clerk's job description prior to advertising for the position.

Applicants can submit their applications through the City's online employment portal and Human Resources will screen to ensure candidates meet the minimum qualifications for the position. The applications of qualified candidates will be provided to a team consisting of the HR Director, City Clerk, Assistant City Manager, and City Manager. The team will complete a first interview and administer a practical exam to selected candidates. Based upon the interview and exam, the team will narrow down the candidates for further consideration. The HR division will check references and perform necessary background checks. The top ranked candidates will be forwarded to Council for their consideration. The City Council may choose to interview with the candidates individually or as a panel. If the Council interviews as a panel, the meeting would need to be advertised. Ultimately, the selection of the City Clerk would take place at a regularly scheduled City Council meeting as a decision item.

Fiscal Impact:
TBD - Funding is included in the General Fund Clerk's personnel budget.

Exhibits:
1. Retirement Letter - City Clerk

Commission/Board: City Council

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

Reviewed by City Attorney
N/A. The employment contract will be reviewed by the City Attorney and Labor Attorney before finalizing with the selected candidate.

MEETING DATE		AGENDA
July 26, 2021	MAITLAND FLORIDA	Section: Discussion
Department/Office : Administration	AGENDA REPORT	Item #: 1.

Subject:
Thurston House Lease

Requested Action or Motion:
N/A - Discussion Only.

Summary Explanation & Background:
In 1989, the City purchased the property (located at 851 Lake Avenue) and on October 16, 1991, the City entered into a lease agreement with Joe Ballard Enterprises, Inc. and Joseph A. Ballard, Jr. and Carole M. Ballard ("the Ballards") for a period of ten years. The original lease envisioned significant improvements being made to the home by the Ballards, with the Ballards ultimately purchasing the home. The Ballards did make substantial improvements to the home and have created a reputable bed & breakfast. As a requirement to purchase the home, a voter referendum was required (heritage lands). In March 2000, the electorate of Maitland voted against the sale of the home to the Ballards. In September 2001, the City entered into a new twelve year lease with the Ballards (attached) which provided for recognition of the expense and effort they incurred converting the old home into a viable B&B. The lease amortized these expenses over the life of the lease such that the City owns the home with no encumbrances. Although the City owns the home and the land, the B&B business and all the contents of the home are owned by the Ballards. In January 2014, the City renewed the lease with the Ballards for an additional ten years (two, five year terms). The lease (attached) will expire on January 31, 2024.

The Ballards have advised the City of their intent to retire and are looking to find a buyer for the contents and intangibles to run the B&B. They are not interested in sub-letting, they would like to assign the lease (with the City's permission) or have the buyer enter into a lease with the City directly. They have asked to come before the Council to outline their plans and determine the City's requirements for a potential new lease with a new tenant.

Fiscal Impact:
Currently, rent provides $24K annually to the General Fund. Expenditures include property insurance and maintenance (estimated at approximately $12,000 for direct expenses).

Exhibits:
1. Lease Agreement 2014

Commission/Board: City Council

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

Reviewed by City Attorney
The 2014 lease was drafted by the City Attorney.