

Minutes For:

**Orlando City Council
May 29, 2018
2:00 P.M.**



<u>District 1</u>	<u>District 2</u>	<u>District 3</u>	<u>Mayor</u>	<u>District 4</u>	<u>District 5</u>	<u>District 6</u>
Jim Gray	Tony Ortiz	Robert F. Stuart	Buddy Dyer	Patty Sheehan	Regina I. Hill	Samuel B. Ings

Opening

On Tuesday, May 29, 2018 the Orlando City Council met in regular session in Temporary City Council Chambers on the first floor of City Hall. Mayor Dyer welcomed those in attendance and introduced the invocation and pledge of allegiance.

Invocation

The invocation was delivered by Chaplain Marvin W. Luckie, U.S. Army Ret., Orlando Veterans Administration Medical Center, 13800 Veterans Way, Orlando, Florida 32827.

Pledge of Allegiance

The pledge of allegiance was led by Commissioner Jim Gray.

Call to Order

Mayor Dyer officially called the meeting to order at 2:07 P.M. City Clerk Denise Aldridge called the roll and announced there was a quorum with all members present.

Present:

Mayor Buddy Dyer
Commissioner Jim Gray, District 1
Commissioner Tony Ortiz, District 2
Commissioner Robert F. Stuart, District 3
Commissioner Patty Sheehan, District 4
Commissioner Regina I. Hill, District 5
Commissioner Samuel B. Ings, District 6
Chief Assistant City Attorney Kyle Shephard
City Clerk Denise Aldridge
City Clerk Aide Elizabeth Davidson
Police Officers Chris Realin, Edgar Malave and Eddie Rosado, Sergeants-at-Arms

Minutes

Commissioner Patty Sheehan moved and Commissioner Regina I. Hill seconded a motion to waive the reading of the May 1, 2018 Agenda Review and City Council meeting minutes and accept the minutes as written, and vote carried 7-0 with minutes approved as written.

At approximately 2:07 P.M., Mayor Dyer recognized students from Valencia College and troops from the Boys Scouts attending today's meeting.

Mayor's Update

Memorial Day

Yesterday was Memorial Day and Mayor Dyer thanked all people who took time to pause and recognize the meaning of the holiday, noting that the men and women who lost their lives protecting the freedoms that we are able to enjoy each day are not forgotten.

Second Year Mark of the June 12 Pulse Tragedy

As the second year mark of the Pulse tragedy approaches on Tuesday, June 12, 2018, Mayor Dyer urged everyone to be aware of the local resources available for City staff and the community. Anyone who is seeking help can reach out to the Orlando United Assistance Center (OUAC) 24 hours a day, 7 days a week, at 407-500-HOPE. Advocates and mental health providers are standing by ready to help. On Monday, June 11, 2018, Prayer Ribbons will be returning in front of City Hall. On Tuesday, June 12, OnePulse Foundation will be holding a Remembrance Ceremony at the Pulse Memorial at 7:00 P.M. The ceremony is open to the public, and the event will honor the 49 angels.

Law Enforcement Memorial

On Saturday, May 12, 2018 Mayor Dyer joined Orlando Police Chief John Mina, Orlando Police officers, members of the Fraternal Order of Police Orlando Lodge 25 and the family of Orlando Police Lieutenant Debra Clayton in Washington, D.C. for the National Law Enforcement Officers Memorial. Lieutenant Deborah Clayton's name was added to the memorial, as were three other officers from Central Florida.

Agenda Item B-7 – Contract with Vanassee Hangen Brustlin, Inc. for Orlando Urban Trail Gap and Extension Engineering Services, RQS18-0002

This agenda item will further the City's efforts to provide transportation opportunities for everyone, and expand residents and visitors connection to jobs, opportunity and recreation. As a result of grant funding from the Florida Department of Transportation, the City is able to move forward with the design of two biking and pedestrian projects that are key pieces to Orlando's network of "urban trails." These two projects will help to extend Gertrude's Walk to the south and further the completion of the Downtown Beltway by closing the current trail gap in the North Quarter area from the Colonial Overpass to the existing Dinky Line Trail at Magnolia.

Community Redevelopment Agency (CRA) Agenda Item #4 – Contract with Mydatt Services Inc. d/b/a Block by Block for Ambassador Services

This agenda item will create a downtown Ambassador Program, operated in partnership with Block by Block and the Community Redevelopment Agency. The Ambassador Program will provide a direct, on-the-street connection seven days a week.

Consent Agenda

Commissioner Jim Gray declared a conflict on Item C-16 (Petition for Voluntary Annexation: 4340 Rixey Street Annexation (ANX2018-10002)), filed Form 8B Memorandum of Voting Conflict with the City Clerk

and stated he will abstain from a vote on that item. Commissioner Gray requested that Item C-21 (Parramore Oaks - Second Amendment to Purchase and Sale Agreement (Phase 1) and Third Amendment to Development Agreement) be deferred to the Community Redevelopment Agency agenda and Mayor Dyer announced that Item C-21 would be moved to New Business, to be heard after the Community Redevelopment Agency agenda. Commissioner Samuel B. Ings moved and Commissioner Tony Ortiz seconded a motion to approve the consent agenda, and vote carried 7-0 that the consent agenda be approved as follows:

(A) Mayor

(1) Approving Employment Agreement for Cities of Service Program Coordinator - Nancy Flores. Approved, filed and documentary **#180529A01**.

(2) Confirming Citizen Advisory Board Appointments/Reappointments. Confirmed, filed and documentary **#180529A02**.

(B) Business and Financial Services

(1) Accepting Meeting Minutes and Adopting Resolution to Amend FY 2017-2018 Budget – May 8, 2018 Budget Review Committee (BRC) Meeting. Accepted meeting minutes for filing by the City Clerk and approved the actions taken by the Budget Review Committee (BRC) at its May 8, 2018 meeting, filed and documentary **#180529B01**.

(2) Approving First Amendment to License Agreement – Sprint at Iron Bridge. Approved, filed and documentary **#180529B02**.

(3) Approving Use of State of Florida Contract with Cisco for the Purchase of Citywide Replacement of Cisco Network Switches from Presidio Networked Solutions LLC as the Authorized Distributor, C18-0398. Approved, filed and documentary **#180529B03**.

(4) Approving Use of State of Florida Contract #43230000-15-01 for Microsoft Software and Data Services Licensing with SHI International Corp. as the Authorized Distributor, C18-0394. Approved, filed and documentary **#180529B04**.

(5) Approving Conduit Sales and Use Agreement between the City of Orlando and Central Florida Regional Transportation Authority d/b/a LYNX, C18-0402. Approved, filed and documentary **#180529B05**.

(6) Approving Award of Continuing Professional Services Contracts for Surveying and Mapping Services, RQS18-0234. Approved, filed and documentary **#180529B06**.

(7) Approving Contract with Vanasse Hangen Brustlin, Inc. for Orlando Urban Trail Gap and Extension Engineering Services, RQS18-0002. Approved, filed and documentary **#180529B07**.

(8) Approving Declaration of Official Intent to Reimburse Capital Expenditures from Proceeds of Bonds Issued by the City for Various Capital Improvement Projects. Approved, filed and documentary **#180529B08**.

(9) Approving State Revolving Fund Loan Agreement WW480480. Approved, filed and documentary **#180529B09**.

(10) Approving Amendment to Amway Center Non-Sports Lighting Retrofit Contract with Chrome Electric, LLC, RFP16-0204. Approved, filed and documentary **#180529B10**.

(11) Approving Award to American Grinding Company, LLC for Sidewalk Inspection and Grinding, IFB18-0282. Approved, filed and documentary **#180529B11**.

(12) Adopting Initial Assessment Resolution Imposing and Levying Special Assessments on Specially Benefited Properties to Support the Provision of Charity Health Care. Adopted, filed and documentary **#180529B12**.

(C) Economic Development

(1) Accepting Meeting Minutes and Approving the Actions of the Southeast Town Design Review Committee (SETDRC) - April 12, 2018. Accepted meeting minutes and approved the actions taken by the Southeast Town Design Review Committee (SETDRC) at its April 12, 2018 meeting, filed and documentary **#180529C01**.

(2) Accepting Meeting Minutes and Approving the Actions of the Appearance Review Board (ARB) - April 19, 2018. Accepted meeting minutes and approved the actions taken by the Appearance Review Board (ARB) at its April 19, 2018 meeting, filed and documentary **#180529C02**.

(3) Accepting Meeting Minutes and Approving the Actions of the Board of Zoning Adjustment - April 24, 2018. Accepted meeting minutes and approved the actions taken by the Board of Zoning Adjustment (BZA) at its April 24, 2018 meeting, filed and documentary **#180529C03**.

(4) Accepting Meeting Minutes and Approving the Actions of the Historic Preservation Board - May 2, 2018. Accepted meeting minutes and approved the actions taken by the Historic Preservation Board (HPB) at its May 2, 2018 meeting, filed and documentary **#180529C04**.

(5) Approving a Final Minor Plat titled Dehart Estates. Approved, filed and documentary **#180529C05**.

(6) Approving a Final Minor Plat titled Modera Replat. Approved, filed and documentary **#180529C06**.

(7) Approving a Final Minor Subdivision Plat titled Omega Commercenter. Approved, filed and documentary **#180529C07**.

(8) Approving a Final Minor Plat titled Concord Park. Approved, filed and documentary **#180529C08**.

(9) Approving a Final Minor Plat titled Kruse Subdivision. Approved, filed and documentary **#180529C09**.

(10) DELETED

(11) Approving a Final Minor Plat titled Lake Lawsona South. Approved, filed and documentary **#180529C11**.

(12) Approving a Final Minor Plat titled Florida Vanguard Road Commercial. Approved, filed and documentary **#180529C12**.

(13) Approving Fifth Amendment to the Small Business Facade, Site Improvement and Adaptive Reuse Program. Approved, filed and documentary **#180529C13**.

(14) Approving Small Business Facade, Site Improvement and Adaptive Reuse Program Agreement between Rockpit Brewing, LLC and the City of Orlando - 10 West Illiana Street. Approved, filed and documentary **#180529C14**.

(15) Approving Small Business Facade, Site Improvement and Adaptive Reuse Program Agreement between NCAC Business Trust and the City of Orlando - 3214 Orange Center Boulevard. Approved, filed and documentary **#180529C15**.

(16) Approving Petition for Voluntary Annexation: 4340 Rixey Street Annexation (ANX2018-10002). Approved, filed and documentary **#180529C16**, noting that Commissioner Jim Gray declared a conflict on this item, filed Form 8B Memorandum of Voting Conflict with the City Clerk and abstained from a vote.

(17) Accepting Petition for Voluntary Annexation: 1900 Oglesby Avenue Annexation (ANX2018-10005). Accepted, filed and documentary **#180529C17**.

(18) Approving Temporary Use Permit for an Open-air Food, Entertainment, and Recreation Venue Comprised of Repurposed Shipping Containers at 6877 Tavistock Lakes Boulevard. Approved, filed and documentary **#180529C18**.

(19) Approving Employment Agreement for Permit Technician I Contract - Gianna Bradford-Harris. Approved, filed and documentary **#180529C19**.

(20) Approving Employment Agreement for Permit Technician I Part Time - Contract - Kortnee Wigley. Approved, filed and documentary **#180529C20**.

(21) Approving Parramore Oaks - Second Amendment to Purchase and Sale Agreement (Phase 1) and Third Amendment to Development Agreement. This item is moved to New Business.

(D) Families, Parks and Recreation

(1) Authorizing Maintenance Agreement for Vietnam War Memorial. Authorized, filed and documentary **#180529D01**.

(2) Approving Installation and Maintenance Agreement for the Flag Pole at Harbor Park. Approved, filed and documentary **#180529D02**.

(E) Fire – no agenda items.

(F) Housing

(1) Approving FY 2017 Community Development Block Grant (CDBG) Funding Agreement between the City of Orlando and Health Care Center for the Homeless, Inc. Approved, filed and documentary **#180529F01**.

(G) Orlando Venues – no agenda items.

(H) Police

(1) Approving Voluntary Cooperation and Operational Assistance Mutual Aid Agreement - Osceola County. Approved, filed and documentary **#180529H01**.

(2) Approving Traffic Control Agreement - Lake Nona Estates. Approved, filed and documentary **#180529H02**.

(3) Approving the following permits: SPEC1716696, "West Lakes Family Fun Day", Lizzie Rodgers Park, Sat. 6/2/18; SPEC3814156, "The District Car Show", 1011 W. Central Blvd., Sat. 6/2/18; SPEC3467935, "commUNITY Rainbow Run", Wadeview Park and surrounding area, Sat. 6/9/18; SPEC6334253, "Festival of the Sea", Orlando Festival Park, Sat. 6/16/18; SPEC9497937, "Solutionary Peace Walk and Festival", Lake Eola Park, Sat. 6/16/18; SPEC6676251, "Orlando Farmers Market", Lake Eola Park, Sundays, 7/8/18-12/30/18; SPEC3878116, "Fireworks at the Fountain", Lake Eola Park, Wed. 7/4/18; SPEC6241918, "Baldwin Park First Friday Festival", Baldwin Park Village Center, Fridays, 7/6/18-12/7/18. Approved, filed and documentary **#180529H03**.

(I) Public Works

(1) Approving Encroachment Agreement between City of Orlando and R.E. Dowdy #5, LLC. Approved, filed and documentary **#180529I01**.

(2) Approving Property Donation Agreement between City of Orlando and School Board of Orange County re: Stonewall Jackson Middle School. Approved, filed and documentary **#180529I02**.

(3) Approving Partial Release of Right-of-Way Conveyance and Construction Agreement between Moss Park Properties, LLP, Beachline South Residential, LLC, Pave-It Forward South, LLC and the City of Orlando. Approved, filed and documentary **#180529I03**.

(J) Transportation

(1) Approving an Amendment to the Lease Agreement between the City and Florida Department of Transportation (FDOT) for the Use of Parking Spaces for the Carshare Program. Approved, filed and documentary **#180529J01**.

(K) Other

(1) Approving Specific Items Approved by the Greater Orlando Aviation Authority (GOAA) at its April 18, 2018 meeting. Approved, filed and documentary **#180529K01**.

(2) Approving Release of Easement - Upshot 68 South Ivanhoe Boulevard. Approved, filed and documentary **#180529K02**.

At approximately 2:42 P.M. Mayor Dyer recessed the City Council meeting and convened the Community Redevelopment Agency (CRA) meeting.

4. Community Redevelopment Agency (CRA)

(1) Accepting Community Redevelopment Agency Advisory Board (CRAAB) Meeting Minutes of March 28, 2018. Commissioner Regina I. Hill moved and Commissioner Patty Sheehan seconded a motion to accept the meeting minutes and the CRA voted unanimously to accept the meeting minutes and for filing by the City Clerk, filed and documentary **#180529401**.

(2) Approving Community Redevelopment Agency (CRA) Meeting Minutes of April 16, 2018. Commissioner Patty Sheehan moved and Commissioner Regina I. Hill seconded a motion to accept the meeting minutes and the CRA voted unanimously to accept the meeting minutes and for filing by the City Clerk, filed and documentary **#180529402**.

Mayor Dyer called on CRA Executive Director Thomas Chatmon to present the following items:

(3) Approving Purchase of Downtown Holiday Light Decorations from Blachere Illumination USA, Inc. Mr. Chatmon stated that in 2017, the Community Redevelopment Agency (CRA) purchased custom snowflake lights to replace 20-year-old decorations that had significantly deteriorated. In order to include the same lights throughout more of the downtown core this holiday season, CRA staff is requesting authorization to purchase an additional 143 units from Blachere Illumination. Blachere Illumination is the sole manufacturer of the 42" custom snowflake lights. The total price for the 143 units, including packing and shipping, is approximately \$116,470. The lights would be installed by the Downtown Clean Team in various high-traffic corridors throughout downtown, including, but not limited to, Orange Avenue, Central Boulevard, Parramore and Church Street. Staff is requesting the CRA to authorize the City's Chief Procurement Officer to issue a purchase order to Blachere Illumination USA, Inc. in the amount of approximately \$116,470, subject to the review and approval of the City Attorney's Office. Commissioner Regina I. Hill moved and Commissioner Patty Sheehan seconded a motion to approve the purchase, and the CRA voted unanimously to approve the purchase, filed and documentary **#180529403**.

(4) Authorizing Contract with Mydatt Services Inc. d/b/a Block by Block for Ambassador Services. Mr. Chatmon stated that ambassador programs are used throughout the country to promote hospitality and provide additional community policing. Staff is receiving increasing feedback from businesses and stakeholders expressing concerns related to downtown and feels a pilot ambassador program will help to identify, assess, prioritize and respond to these concerns. Ambassadors interact with visitors, businesses, and residents with the long term goal and strategy of promoting positive downtown experiences by providing enhanced hospitality and security through the presence of additional organized and dedicated downtown representatives. The DTOutlook specifically includes the CRA's implementation of Downtown "Clean and Safe" programming, including a Downtown Ambassador program as a way to make the Downtown experience easier and more satisfying. CRA staff has reviewed ambassador programs in many jurisdictions and identified Mydatt Services Inc., d/b/a Block by Block's services under its contract with the City of Miami as providing similar services to those currently desired. Both the City of Coral Gables and the Hollywood CRA have also used the City of Miami's contract with Block by Block as a basis for their ambassador programs. CRA staff is seeking approval to enter into a contract with Block by Block for ambassador services. A proposed draft contract is attached to the agenda item. The proposed contract with Block by Block for downtown ambassador services is for an initial term of two years in an annual estimated amount of \$725,000. Staff is requesting the CRA to authorize the City's Chief Procurement Officer to enter into an agreement with Mydatt Services Inc., d/b/a Block by Block as set forth above, subject to review and approval by the City Attorney's Office. Commissioner Regina I. Hill moved and Commissioner Patty Sheehan seconded a motion to authorize a contract with Mydatt Services Inc. d/b/a Block by Block. Discussion ensued. The CRA voted 7-0 to authorize the contract, filed and documentary **#180529404**.

(5) Approving Parramore Oaks – Second Amendment to Purchase and Sale Agreement (Phase 1) and Third Amendment to Development Agreement. Mr. Chatmon stated that in December of 2016, the CRA entered into Purchase and Sale Agreements (Phase 1 and Phase 2) and a Development Agreement with InVictus Development, LLC (InVictus) for its purchase and development of the Parramore Oaks project on property currently owned by the City and CRA. As InVictus was successful in obtaining 9% Low Income Housing Tax Credits (LIHTC) through the Florida Housing Finance Corporation (FHFC) for Phase I of the Project, construction of the first 120 units is anticipated to commence in 2018. The initial Development Agreement contemplated the provision of up to \$648,000 in an affordable housing incentive for Phase I of the Project. This Third Amendment to Development Agreement provides for an additional \$500,000 in an affordable housing incentive for Phase I of the Project to address a portion of the funding gap created by the sharp increase in construction costs, decrease in equity pricing, and rising interest rates since its initial approval of financing through FHFC's 9% LIHTC program. Total CRA funding for Phase I equates to \$1,148,000/\$9,567 per unit and is consistent with InVictus's initial RFP submittal. The Second Amendment to Purchase and Sale Agreement for Phase One further clarifies closing conditions related to the incentive. Staff is requesting the CRA to approve the Second Amendment to Purchase and Sale Agreement (Phase 1) between the City of Orlando, the Community Redevelopment Agency and InVictus Development, LLC and the Third Amendment to Development Agreement between the City of Orlando, the Community Redevelopment Agency, and Parramore Oaks, LLC, as permitted assignee of InVictus Development, LLC, subject to review and approval of the City Attorney's Office, and authorize the Chair and Executive Director to execute the Agreement Amendments. Commissioner Regina I. Hill moved and Commissioner Patty Sheehan seconded a motion to approve the amendments. Discussion ensued. InVictus Development President Paula Rhodes answered questions. The CRA voted 5-2 to approve the amendments, noting that Commissioner Jim Gray voted "no" and Commissioner Tony Ortiz voted "no," filed and documentary **#180529405**.

At approximately 3:49 P.M. Mayor Dyer adjourned the Community Redevelopment Agency meeting and reconvened the City Council meeting.

5. Neighborhood Improvement District - Board of Directors – no agenda items.

6. OPEB Trust - Board of Trustees – no agenda items.

7. New Business/Hearings – no agenda items.

8. New Business

(1) Approving Parramore Oaks - Second Amendment to Purchase and Sale Agreement (Phase 1) and Third Amendment to Development Agreement. This item was moved from C-21 to New Business. Commissioner Robert F. Stuart moved and Commissioner Patty Sheehan seconded a motion to approve the amendments. The CRA voted 5-2 to approve the amendments, noting that Commissioner Jim Gray voted "no" and Commissioner Tony Ortiz voted "no," filed and documentary **#180529801**.

(2) Electing Two Mayors Pro-Tem for One Year Terms (July 2018 - June 2019). Mayor Dyer opened the nominations for Mayor Pro Tem #1. Commissioner Patty Sheehan moved to nominate Commissioner Regina I. Hill as Mayor Pro Tem #1 and Commissioner Tony Ortiz seconded the motion. Mayor Dyer closed the nominations and City Council voted unanimously to elect Commissioner Regina I. Hill as Mayor Pro Tem #1. Mayor Dyer opened the nominations for Mayor Pro Tem #2. Commissioner Patty Sheehan moved to nominate Commissioner Samuel B. Ings as Mayor Pro Tem #2 and Commissioner Tony Ortiz seconded

the motion. Mayor Dyer closed the nominations and City Council voted unanimously to elect Commissioner Samuel B. Ings as Mayor Pro Tem #2. Filed and documentary **#180529802**.

9. Hearings

(1) Approving Order Approving Rescission of LeeVista Development of Regional Impact (DRI) Development Order (Economic Development). Commissioner Jim Gray moved and Commissioner Tony Ortiz seconded a motion to approve the order approving Rescission of LeeVista Development of Regional Impact (DRI) Development Order. Mayor Dyer opened the hearing for public comment and no one appeared to comment. Mayor Dyer closed the public hearing and City Council voted unanimously to approve the order, filed and documentary **#180529901**.

10. Hearings/Emergency Ordinances – no agenda items.

11. Hearings/Ordinances/1st Reading – no agenda items.

12. Hearings/Ordinances/2nd Reading

(1) City Clerk Denise Aldridge presented Ordinance No. 2018-22 amending the Growth Management Plan to change the Future Land Use Map for a portion of the 514 acre site from Office-Medium Intensity and Urban Activity Center to Industrial and from Industrial to Office-Low Intensity Future Land Use; and amending Future Land Use Subarea Policy S.39.4 to revise the development program for land generally located west and east of the SR 417 and north and south of LeeVista Boulevard (Beltway Commerce Center) (Economic Development). Commissioner Jim Gray moved and Commissioner Tony Ortiz seconded a motion to adopt the ordinance on 2nd reading. Mayor Dyer opened the public hearing and no one appeared to comment. Mayor Dyer closed the public hearing and City Council voted unanimously to adopt the ordinance, filed and documentary **#1805291201**.

(2) City Clerk Denise Aldridge presented Ordinance No. 2018-24 annexing the subject property, assigning the Residential Low Intensity future land use designation and initial zoning of R-2A/T for property located at 2606 South Brown Avenue, which is located north of East Michigan Street, east of Mayer Street, south of East Crystal Lake Avenue and west of South Brown Avenue (2606 S. Brown) (Economic Development). Commissioner Patty Sheehan moved and Commissioner Samuel B. Ings seconded a motion to adopt the ordinance on 2nd reading. Mayor Dyer opened the public hearing and no one appeared to comment. Mayor Dyer closed the public hearing and City Council voted unanimously to adopt the ordinance, filed and documentary **#1805291202**.

(3) City Clerk Denise Aldridge presented Ordinance No. 2018-25 annexing the subject property, assigning the Office Low Intensity future land use designation and initial zoning of O-1/SP for property located east of Center Street, south of East Pineloch Avenue and west of Sylvan Avenue (Pineloch Place) (Economic Development). Commissioner Patty Sheehan moved and Commissioner Regina I. Hill seconded a motion to adopt the ordinance on 2nd reading. Mayor Dyer opened the public hearing and no one appeared to comment. Mayor Dyer closed the public hearing and City Council voted unanimously to adopt the ordinance, filed and documentary **#1805291203**.

(4) City Clerk Denise Aldridge presented Ordinance No. 2018-26 annexing the subject property, assigning the Residential Low Intensity future land use designation and initial zoning of R-2A/T for property located south of East Grant Street, west of South Fern Creek Avenue, north of Page Avenue and east of South Shine Avenue (Fern Creek Annexations) (Economic Development). Commissioner Patty Sheehan moved

and Commissioner Samuel B. Ings seconded a motion to adopt the ordinance on 2nd reading. Mayor Dyer stated that this ordinance has been requested for deferral by the applicant and, because this ordinance has been advertised as a public hearing, the reading of the ordinance needs to be opened and continued. City staff is recommending continuing the second reading to the June 25, 2018 City Council meeting to allow time to work with the applicant on outstanding issues. Commissioner Patty Sheehan moved and Commissioner Robert F. Stuart seconded a motion to continue the second reading to the June 25, 2018 City Council meeting and City Council voted unanimously to reschedule the second reading of this ordinance to the City Council meeting of June 25, 2018.

(5) City Clerk Denise Aldridge presented Ordinance No. 2018-27 amending Land Development Code Chapter 63 Part 2C, Chapter 65 Parts 1I, 6D, and 6E, and Chapter 66 "Definitions" to Revise Regulations for Development within a Floodplain (Economic Development). Commissioner Samuel B. Ings moved and Commissioner Patty Sheehan seconded a motion to adopt the ordinance on 2nd reading. Mayor Dyer opened the public hearing and no one appeared to comment. Mayor Dyer closed the public hearing and City Council voted unanimously to adopt the ordinance, filed and documentary **#1805291205**.

(6) City Clerk Denise Aldridge presented Ordinance No. 2018-29 amending City Code Chapter 13, Building Code to revise regulations for development within a floodplain (Economic Development). Commissioner Samuel B. Ings moved and Commissioner Patty Sheehan seconded a motion to adopt the ordinance on 2nd reading. Mayor Dyer opened the public hearing and no one appeared to comment. Mayor Dyer closed the public hearing and City Council voted unanimously to adopt the ordinance, filed and documentary **#1805291206**.

13. Ordinances/1st Reading

(1) City Clerk Denise Aldridge presented Ordinance No. 2018-28 amending the Planned Development (PD) zoning for 514 acres generally located west and east of State Road 417 and north and south of LeeVista Boulevard (Beltway Commerce Center) (Economic Development). Commissioner Jim Gray moved and Commissioner Robert F. Stuart seconded a motion that the ordinance be approved on 1st reading. Mayor Dyer asked if there was any public comment on this item and no one appeared to comment. City Council voted unanimously to approve the ordinance.

(2) City Clerk Denise Aldridge presented Ordinance No. 2018-31 amending Chapter 2, Article XXII of the Orlando City Code regarding reimbursement of travel expenses. Commissioner Patty Sheehan moved and Commissioner Regina I. Hill seconded a motion that the ordinance be approved on 1st reading. Mayor Dyer asked if there was any public comment on this item and no one appeared to comment. City Council voted unanimously to approve the ordinance.

(3) City Clerk Denise Aldridge presented Ordinance No. 2018-32 amending the Orlando City Code relating to communication facilities; amending regulations for wireless communication facilities to conform to Florida Statutes; amending Chapter 66, Definitions. Commissioner Samuel B. Ings moved and Commissioner Robert F. Stuart seconded a motion that the ordinance be approved on 1st reading. Mayor Dyer asked if there was any public comment on this item and no one appeared to comment. City Council voted unanimously to approve the ordinance.

(4) DELETED

14. Ordinances/2nd Reading – no agenda items.

15. Appeals

(1) Appeal of City Engineer Determination for Sidewalk Construction - 1131 Utah Boulevard, Orlando, Florida. Mayor Dyer called on City Engineer Jim Hunt to provide background on the appeal, a copy of which is included as supplemental papers to these minutes. Mayor Dyer called on Appellant Barbara Branch to present her position to City Council, a copy of which is included as supplemental papers to these minutes. Mayor Dyer called on Planning Division Manager Dean Grandin to provide background on sidewalk issues. Commissioner Robert F. Stuart moved and Commissioner Samuel B. Ings seconded a motion to allow the appellant to pay into the sidewalk fund. City Council voted 4-3 in favor of allowing Appellant to pay into the sidewalk fund, noting that Commissioner Tony Ortiz voted "no," Commissioner Patty Sheehan voted "no" and Commissioner Regina I. Hill voted "no." Filed and documentary **#1805291501**.

16. Quasi-Judicial Hearings – no agenda items.

17. Unfinished Business – no agenda items.

18. For Information Only

(1) Meeting Minutes - Families, Parks and Recreation Advisory Board - March 20, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291801**.

(2) Meeting Minutes - Greater Orlando Aviation Authority (GOAA) - March 21, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291802**.

(3) Meeting Minutes - Mayor Dyer and Commissioner Jim Gray - April 19, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291803**.

(4) Meeting Minutes - Mayor Dyer and Commissioner Robert F. Stuart - April 19, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291804**.

(5) Fund Status Report for Period Ending March 31, 2018. Accepted report for information only and for filing by the City Clerk, filed and documentary **#1805291805**.

(6) Meeting Minutes - Downtown Development Board - March 28, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291806**.

(7) Meeting Minutes - Nominating Board - April 11, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291807**.

(8) Meeting Minutes - Nominating Board Subcommittee - April 11, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291808**.

(9) Meeting Minutes - Nominating Board Subcommittee - April 23, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291809**.

(10) Meeting Minutes - Board Review Committee - March 8, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291810**.

(11) City of Orlando Bond Disclosure Supplement for the Fiscal Year ended September 30, 2017. Accepted for information only and for filing by the City Clerk, filed and documentary **#1805291811**.

(12) Meeting Minutes - Building and Fire Code Board of Appeals - May 4, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291812**.

(13) Meeting Minutes - Certification Board - February 28, 2018. Accepted meeting minutes for information only and for filing by the City Clerk, filed and documentary **#1805291813**.

At approximately 4:39 P.M. the official business of the City was concluded.

19. General Appearances

Jonathan Sebastian Blount, appearing on his own behalf, thanked Commissioner Tony Ortiz, Commissioner Robert F. Stuart and Commissioner Samuel B. Ings for their support of the Bronze Kingdom Gallery and expressed appreciation for the Amway Center's support in hosting Orlando Carnival 2018 events.

Pending – no agenda items.

Adjournment

There being no further business to come before City Council on Tuesday, May 29, 2018, Mayor Buddy Dyer adjourned the meeting at 4:48 P.M.

Mayor Buddy Dyer

City Clerk Denise Aldridge

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME GRAY, JAMES W.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ORLANDO City Commission	
MAILING ADDRESS 300 South ORANGE AVE.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY ORLANDO	COUNTY ORANGE	NAME OF POLITICAL SUBDIVISION: City Council - Dist. # 1	
DATE ON WHICH VOTE OCCURRED 5/29/2018		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JAMES GRAY, hereby disclose that on 5/29, 20 18:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, MARK KINCHLA;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

AGENDA ITEM C16 - ANX 2018 - 10005.

I AM NOT DIRECTLY INVOLVED IN THIS TRANSACTION, BUT A BUSINESS ASSOCIATE, MARK KINCHLA, IS THE SPONSOR OF THIS ANNEXATION REQUEST. AS SUCH, I WILL ABSTAIN FROM VOTING ON THIS ITEM.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

5/29/18

Signature

James Gray

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

APPEAL OF SIDEWALK DETERMINATION AT 1131 UTAH BLVD.

MEMBERS OF THE CITY COUNCIL:

First, I call your attention to the attached copy of the email I received from Jim Hunt, Deputy Public Works Director – City Engineer, wherein he referenced Section 61.225 (B)(1) of the City Code – (copy attached), and determined it is feasible for sidewalk construction abutting our property and will be required if we make substantial enlargements or improvements to our home.

Under Section 61.225 of the City Code, the reference notes are Ord. of 9-16-1991, Doc #25098; Ord. of 7-26-1993, Doc #26770; Ord. of 2-17-2003, Doc #0302117705; Ord of 5-1-2006, Doc #0605011001, all of which are dated prior to the purchase of 1127 Utah Blvd., by Clarkson Concepts on 5-7-2013 where a new two-story home was built subsequently and then sold to our current next-door neighbors/friends on 2-12-14. I am referencing this specific example because – as of this date, no sidewalk exists in the front yard of that property and there are no – and were no existing physical impediments involved to prohibit sidewalk construction there – certainly no more than in our case. (Photo 1 - right side, shows the new two-story home with no sidewalk, the tree line in between our respective properties, and then our home on the left side). (Photo 2 shows another view of the above-referenced front yard at 1127 Utah Blvd., with no sidewalk and shows the hedges which were curbside back in December of 1987 when we purchased our property and have remained in front of our property at 1131 Utah Blvd. ever since). The sidewalk – if it were to be constructed, would be located behind those hedges and be unsafe. In addition, it would literally be a sidewalk going to nowhere and, therefore, not be practical. (Our next-door neighbors/friends at 1127 Utah Blvd. don't want a sidewalk either and don't intend to construct one).

Photo 3 shows that there is already a sidewalk located across the street that the City of Orlando constructed in the last few years for pedestrian safety.

Finally, I call your attention to the attached copy of a receipt I asked for and received from the City of Orlando showing that builder Gregory T. Clarkson of Clarkson Concepts was to "Remodel existing house and addition" when, in fact, he bulldozed that existing house, built a new two-story home and still was allowed to pay into the sidewalk fund; as a result, **a precedent has been set.** In our case, we are actually trying to obtain a permit to remodel our existing house and addition, yet we have been denied that same option of paying into the sidewalk fund in lieu of sidewalk construction.

Respectfully ask the members of the City Council to grant this appeal.

Barbara A. Branch

...(B) *Payment in Lieu of Construction.*

(1) *When Not Practical.* Upon request of a building permit applicant, the City Engineer shall be authorized to determine that construction of sidewalks is not practical. Examples of factors that may make sidewalk construction not practical include but are not limited to the following:

- (a) Existing physical impediments;
- (b) Substantial grade changes;
- (c) Trees;
- (d) Impending road/right-of-way construction; and/or
- (e) Any other situation where the City Engineer determines that sidewalk construction is not practical.

(2) *Sidewalk Construction Fund.* If the City Engineer determines that sidewalk construction is not practical, the permit applicant shall not be required to construct sidewalks. Instead, the permit applicant shall make a payment into the Sidewalk Construction Fund prior to issuance of any permit for the development. Such payment shall be the equivalent of the per linear foot cost to the City for installing the sidewalk, based upon the City's Annual Sidewalk Contract in effect at the time of permit issuance. The City shall spend the proceeds from the Sidewalk Construction Fund for sidewalk construction only, and Fund expenditures shall be spent in each Transportation Area in proportion to the amount of Fund payments collected within such Transportation Area.

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 Barbara

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Re: Fw: 1127 Utah Blvd. 2

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Starred

Drafts

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Archive

Spam

Trash

Less

Views Hide

 Photos


Documents

 Travel

 Coupons Purchases Tutorials

Folders Hide

+ New Folder

 **James D Hunt** <jim.hunt@cityoforlando.net>
To: happydillon1@yahoo.com
Cc: Keith S Grayson, Susan V Ussach

  Apr 25 at 11:35 AM

Ms. Branch, the e-mail I had referenced in my earlier e-mail.

James D. (Jim) Hunt, P.E., CFM
Deputy Public Works Director - City Engineer
 Engineering Services Division
[City of Orlando](#)
 p.407.246.3623
 f.407.246.2892



From: Susan V Ussach
Sent: Thursday, April 19, 2018 10:44 AM
To: James D Hunt
Subject: 1127 Utah Blvd.

Hey Jim,

1127 Utah Blvd. was able to pay into the fund. See below.

Engineering -- ENG2013-01050		Status FNL		
Primary Contact: GREGORY T CLARKSON		Updated: 7/14/2014		SYS
Case Address: 1127 UTAH BLVD		Master #: BLD2013-05129		
Case Description: P <input type="checkbox"/> S <input type="checkbox"/> C <input type="checkbox"/>		Project Name: UTAH ADDITION		
Remodel existing house and addition Payment to sidewalk fund.				
Code Enforcement Action?: <input type="checkbox"/>				
Plan Review:	Residential 1 & 2	SBF File #:	69/13-0	
Guarantee Type:		Received By:	GRA14997	
Residential Driveways Qty:	1	<div> Dates Received: 7/24/2013 Issued: 8/13/2013 Expiration: 2/9/2014 </div>		
Commercial Driveways Qty:				
Sidewalks Linear Ft:				
Addresses Qty:	1			
Fees Associated with ENG2013-01050				
Fee Type	Revenue/GL Account	Fee Amount	Amount Due	Uf
Driveway Fee	1001395425100	\$100.00	\$0.00	8/13/2
Sidewalk Construction Fund	1297025425925	\$450.00	\$0.00	8/13/2
Address Fee	1001395425100	\$50.00	\$0.00	8/13/2
Totals:		\$650.00	\$0.00	

Regards,





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Barbara

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- Inbox** 999+
- Unread
- Starred
- Drafts 10
- Sent
- Archive
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- Views Hide
- Photos
- Documents
- Travel
- Coupons
- Purchases
- Tutorials
- Folders Hide
- + New Folder

City Engineer Determination for Sidewalk Construction, 1131 Utah Boulevard

Yahoo/Inbox



James D Hunt <jim.hunt@cityoforlando.net>

To: Barb

Cc: City Clerk



Apr 26 at 5:57 PM

Ms. Branch, please consider this my determination that sidewalk construction abutting your property at 1131 Utah Boulevard is feasible and will be required if you make substantial enlargements or improvements to the property. I have visited the site and it does not appear that your circumstances meet any of the criteria set forth in City Code, Section 61.225(B)(1), which would allow payment into the sidewalk fund in lieu of construction. Pursuant to City Code, Section 61.225(B)(3), you may appeal this determination. Within five business days of this determination, please contact the City Clerk (copied) if you wish to appeal my determination.

James D. (Jim) Hunt, P.E., CFM
Deputy Public Works Director - City Engineer
 Engineering Services Division
[City of Orlando](#)
 p.407.246.3623
 f.407.246.2892



Florida has a very broad public records law. As a result, any written communication created or received by the City of Orlando officials and employees will be made available to the public and media, upon request, unless otherwise exempt. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.



Sec 61.225.docx
14.4kB

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Insert Image Insert Video Insert Document ...

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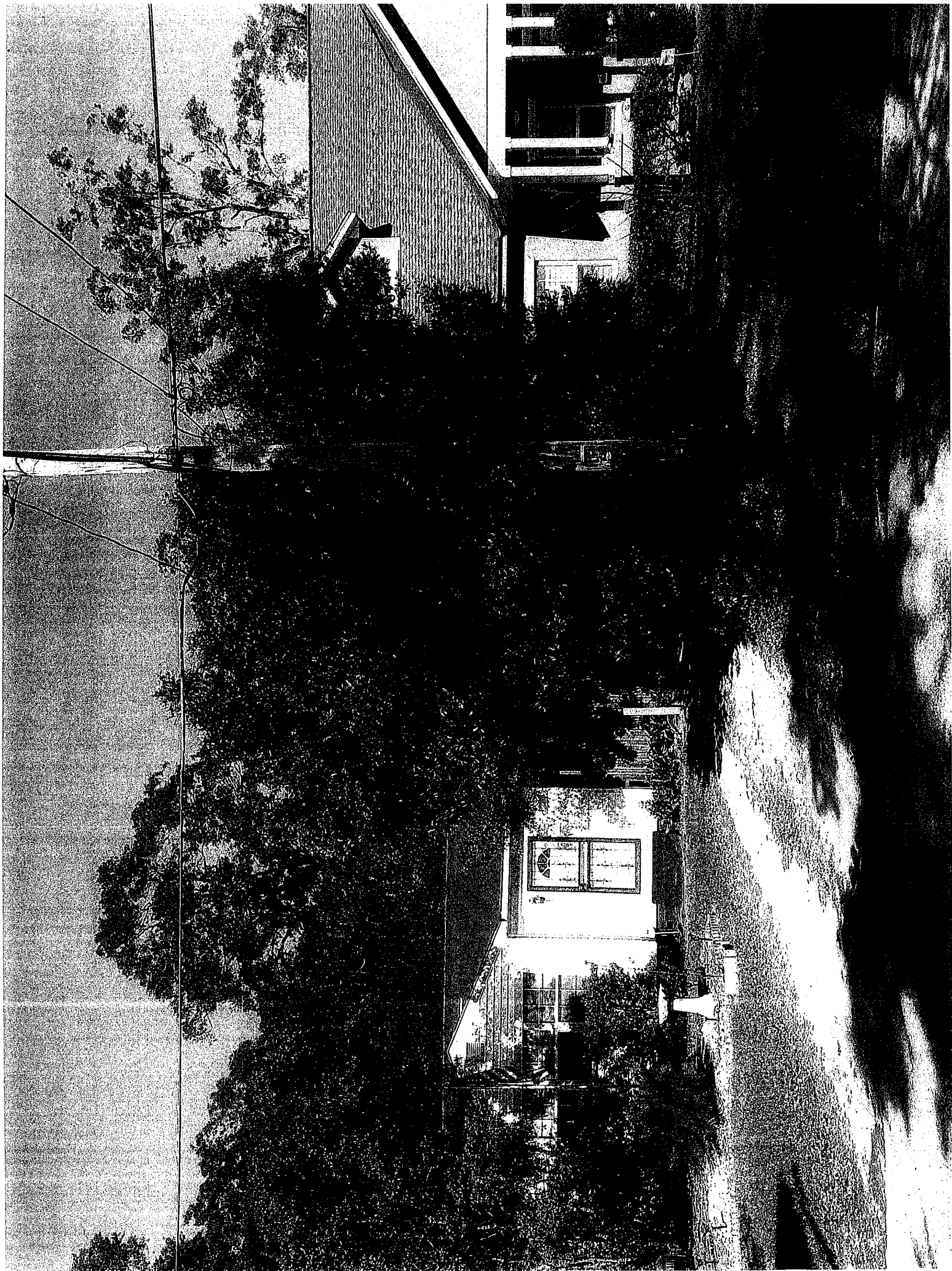
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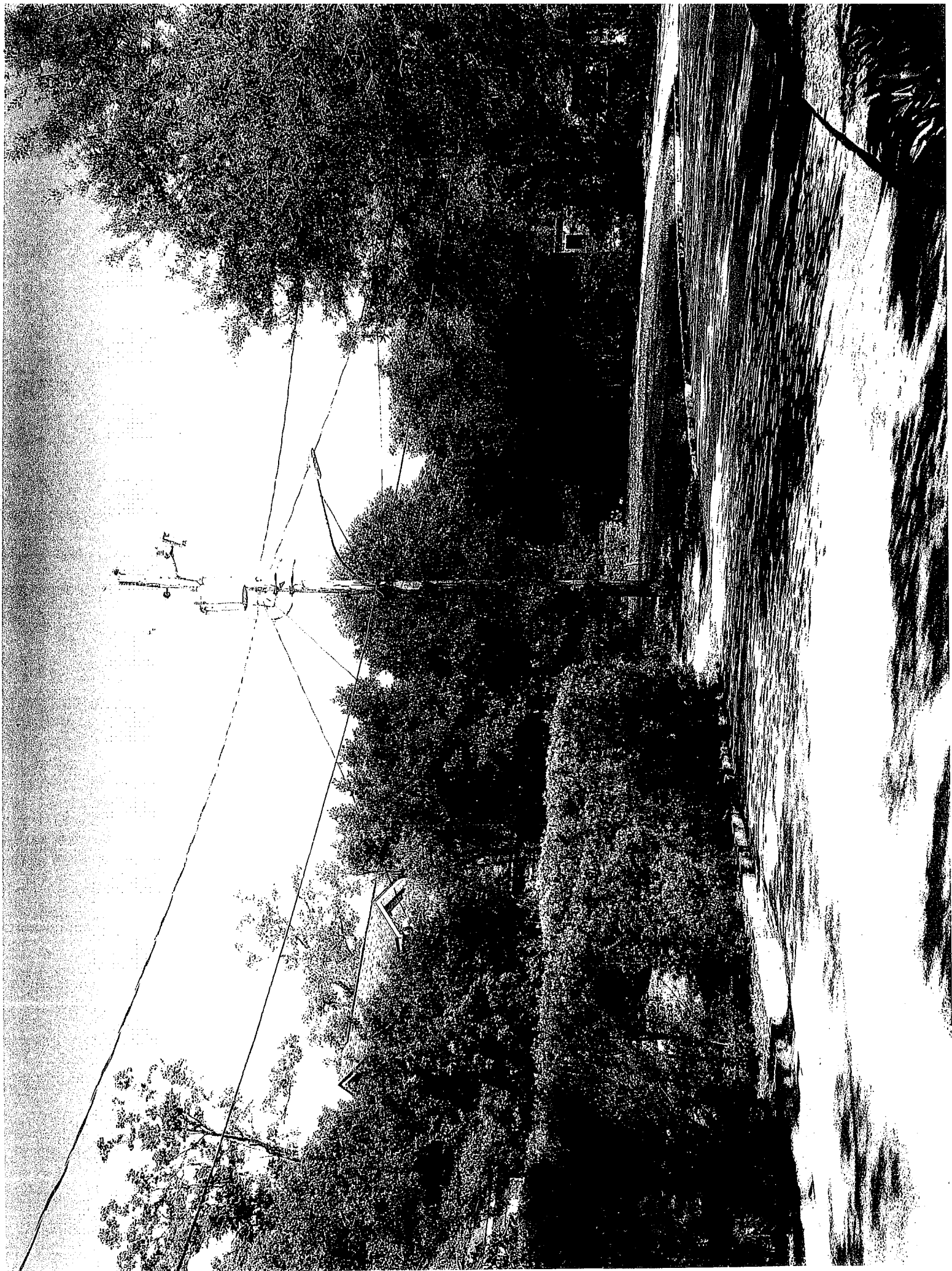
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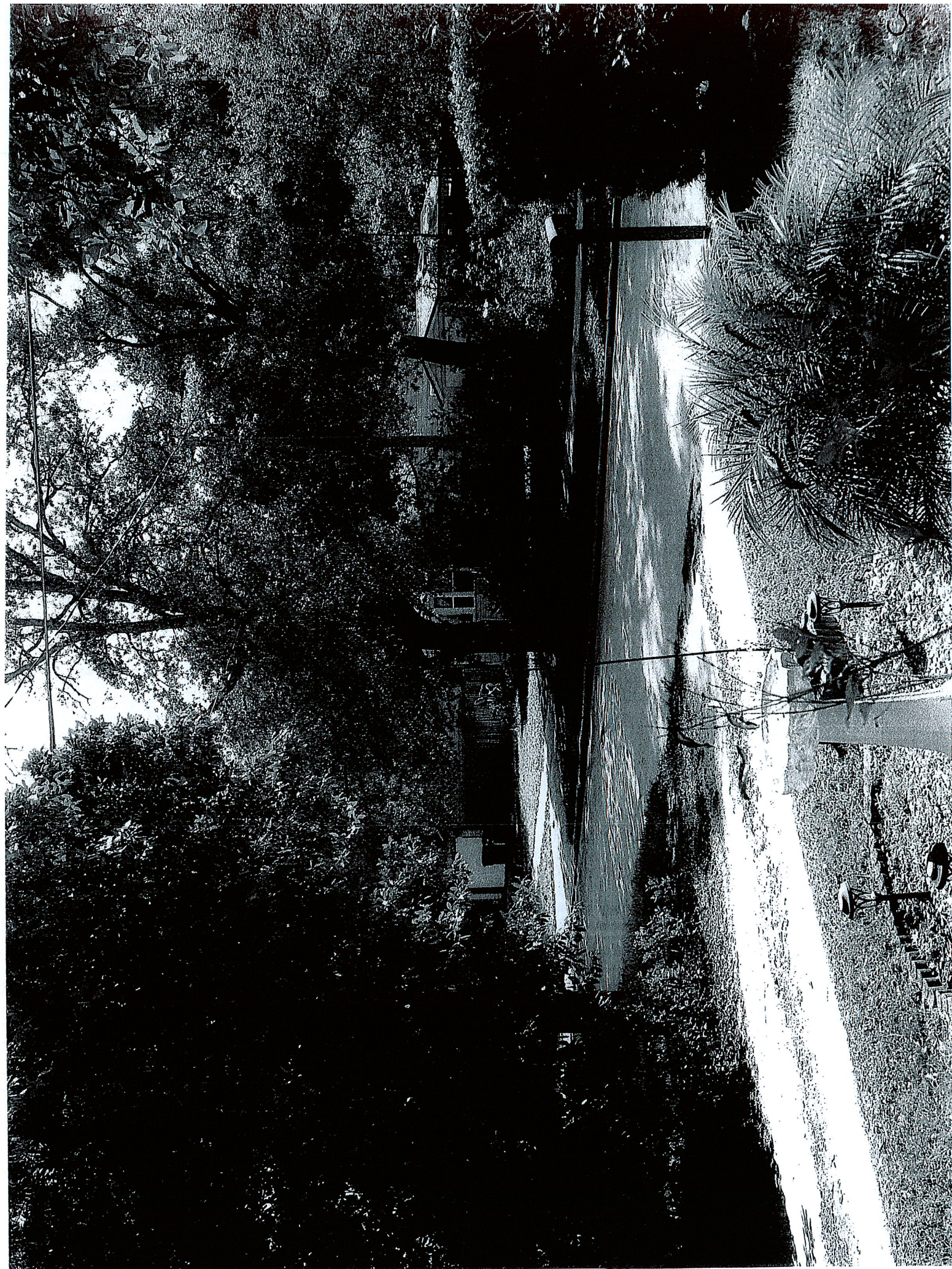
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- (A) *Sidewalks Required.* Except as provided otherwise herein, sidewalks shall be provided on both sides of all streets in accordance with the requirements of Figure 4, Figure 6, and the following:
- (1) *Modification of Sidewalk Location.* The City Engineer shall be authorized to approve or require modifications in sidewalk locations to accommodate unique design or to protect existing trees. When there is a conflict between the Typical Cross-Section, shown in Figure 4, and Figure 6, the City Engineer shall be authorized to modify the requirements.
 - (2) *Sidewalk-Bikeway Trade-Offs.* The City Engineer shall be authorized to allow construction of a single paved sidewalk-bikeway in Attached Dwelling development, Special Plan Areas, Multiplex Development, and Mobile Home Developments in lieu of the required sidewalks on local streets only, when the sidewalk-bikeway forms part of an integrated bicycle and pedestrian system in common or dedicated open space. The sidewalk-bikeway shall be ten (10) feet in width, or such other appropriate dimension determined by the City Engineer after consideration of site conditions, pedestrian and bicyclist needs, and the requirements of this section.
 - (3) *Sidewalks a Priority Near Schools.* Sidewalks shall be constructed on both sides of all streets within a one-mile radius of any elementary, middle, or high school.
 - (4) *Substantial Enlargements and Improvements.* Sidewalks shall be required at the time of any substantial enlargement or substantial improvement, as those terms are defined in Chapter 66 of this Code. Notwithstanding the foregoing requirement, no sidewalks shall be required to be constructed at the time of a substantial improvement when the substantial improvement is necessitated by damage sustained as the result of a hurricane, tornado, flood, sinkhole, fire, natural disaster or other act of God, and the permit applicant does not have property insurance which will cover the cost of constructing the sidewalk.
- (B) *Payment in Lieu of Construction.*
- (1) *When Not Practical.* Upon request of a building permit applicant, the City Engineer shall be authorized to determine that construction of sidewalks is not practical. Examples of factors that may make sidewalk construction not practical include but are not limited to the following:
 - (a) Existing physical impediments;
 - (b) Substantial grade changes;
 - (c) Trees;
 - (d) Impending road/right-of-way construction; and/or
 - (e) Any other situation where the City Engineer determines that sidewalk construction is not practical.
 - (2) *Sidewalk Construction Fund.* If the City Engineer determines that sidewalk construction is not practical, the permit applicant shall not be required to construct sidewalks. Instead, the permit applicant shall make a payment into the Sidewalk Construction Fund prior to issuance of any permit for the development. Such payment shall be the equivalent of the per linear foot cost to the City for installing the sidewalk, based upon the City's Annual Sidewalk Contract in effect at the time of permit issuance. The City shall spend the proceeds from the Sidewalk Construction Fund for sidewalk construction only, and Fund expenditures shall be spent in each Transportation Area in proportion to the amount of Fund payments collected within such Transportation Area.
 - (3) *Appeals.* Appeals of any determination issued by the City Engineer under this section shall be made in writing to the City Clerk within five (5) business days of the date of the determination. The City Council shall consider the appeal at its next regularly scheduled meeting.

(Ord. of 9-16-1991, Doc. #25098; Ord. of 7-26-1993, Doc. #26770; Ord. Of 2-17-2003, § 1, Doc. #0302117705; Ord. of 5-1-2006, § 1, Doc. #0605011001)

