

ST. CLOUD CITY COUNCIL REGULAR MEETING

**Thursday, January 10, 2019
City Hall - Council Chambers
1300 9th Street
6:30 p.m.
Minutes**

Mayor Blackwell read the following statement:

As you may be aware from recent news reports, local governments, including the City of St. Cloud, have been faced with challenges related to ensuring disabled citizens have access to information broadcasted or distributed by the City. The two main areas of concern are related to the live television and internet broadcastings of City meetings and the posting and distribution of documents on, and through, the City's website. Recently, the failure of governments to make the broadcasts and websites fully accessible to hearing and sight impaired citizens, has been deemed violations of the Americans with Disabilities Act

We are pleased to announce that tonight we resume live television of our council meetings. The broadcasts were suspended to ensure simultaneous captioning of the broadcasts for the benefit of our hearing-impaired citizens. The system the city is using is designed to provide real-time closed-captioning of audio as it occurs at the meeting. Therefore, in order to promote accuracy, it is requested that all speakers speak deliberately, directly and clearly into the microphone provided.

Unfortunately, the issue related to ensuring the City's website is compliant is going to take some additional time. To ensure compliance with the law and to avoid the unnecessary risk of a lawsuit, most of the documents that were uploaded, posted or available on the City's website, must be reformatted into an ADA compliant format. As has been stated in news reports, this issue has recently become a significant and serious issue for Florida local governments. As a result, it is necessary that the City suspend the ability for the public to access and download certain documents from the City's website. Of course all public records and documents remain available to the public and can be obtained by contacting the City Clerk's office. We assure you that staff is working diligently to address this issue and we intend to have the City's website, including all documents, fully compliant with the law as soon as possible.

- I. Mayor Blackwell called the meeting to order at 6:30 p.m.
- II. Invocation given by Pastor Jay McCaig from Crossroads Baptist Church and Chaplain for St. Cloud Medical Center.
- III. Pledge of Allegiance

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| ◆ Mayor Nathan Blackwell | City Manager, William Sturgeon |
| ◆ Deputy Mayor Dave Askew | City Attorney, Daniel Mantzaris |
| ◆ Council Member Linette R. Matheny | Linda Jaworski, City Clerk |
| ◆ Council Member Chuck Cooper | Ivy De La Cruz, Deputy City Clerk |
| ◆ Council Member Keith Trace | Members of the Press |

All members present.

- V. Presentations

- Financial Update by St. Cloud Main Street

Paula Stark, St. Cloud Main Street Executive Director, 903 Pennsylvania Avenue, provided a financial update on the project the program was working on the grants that have been awarded.

- VI.** Citizens Forum - Any person who desires to comment on any item not on this agenda is provided this opportunity to address the City Council. Each person is requested to complete a sign-in form to be provided to the presiding officer prior to, or as soon as is practical thereafter, the person addresses the Council.

Tammy Madison, St. Cloud Community Pantry, Executive Director, thanked the City for the Community Agency Grant and provided an update on how they had been able to assist the community.

Alexandria and Nick Milazzo, 8984 Jupiter Drive, invited the Council to the Osceola County Fair. They stated they would be selling their market animals and gave a brief presentation regarding their 4-H project.

Sandy Siemon, 5465 Hanson Road, stated she lived next to Center Lake Ranch and had emailed Mr. Anderson with some questions and was here regarding the involuntary annexation. She wanted to know if there was a way to opt out of annexation and wanted to know if Center Lake Ranch was going to be a mixed use project and were they going to add to the Narcoossee overlay.

City Manager Sturgeon provided his business card for her to contact him.

City Attorney Mantzaris advised the applicant had not resubmitted a full application in this matter.

Barry Williams, 1834 Stillwood Way, stated he would like to have reclaim water on his property and asked if there are any immediate plans to provide reclaim water to his property.

City Manager Sturgeon provided his business card for further contact.

- VII.** Consent Agenda: The next portion of tonight's meeting is the consent agenda which contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Council wish to speak on a consent item, they have the same opportunity.

City Attorney Mantzaris pulled Item B for clarification.

Council Member Trace pulled Item D.

- A. Minutes: July 19, 2018 / Regular Meeting and August 9, 2018 / Regular Meeting
- B. Resolution No. 2019-003R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into a mobility fee agreement with Galleria at Canoe Creek, LLC. for the construction of the Steven's North roadway and providing for an effective date.
COST: up to \$1,451,146.55 to be paid in mobility fee credits.

City Attorney Mantzaris clarified that the total cost of the mobility fee credits included the ROW.

- C. Resolution No. 2019-004R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the purchase of a 2019 Isuzu NF154 New Way Diamond 8RL Refuse Truck, available through Florida Sheriff's Association Contract No. FSA18-VEH16.0, Specification No. 7 and the award thereof to Nextran Truck Center, and providing an effective date.
COST: up to \$97,154.50
- D. Resolution No. 2019-007R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into a task authorization to the continuing contract and agreement for Professional Engineering Services with Tetra Tech, Inc. dated September 28, 2017, and any amendments thereto, for New Nolte Road & Budinger Avenue Traffic Signal Design, and providing an effective date.
COST: up to \$56,852.00

Council Member Trace stated he wanted to make sure to prioritize these signals.

Deputy Mayor Matheny stated she would like to see a prioritized master plan soon.

- E. Resolution No. 2019-008R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into a task authorization to the continuing contract and agreement for Professional Engineering Services with Tetra Tech, Inc. dated September 28, 2017, and any amendments thereto, for Fire Station 32 Emergency Traffic Signal Design, and providing an effective date.
COST: up to \$56,389.00
- F. Resolution No. 2019-009R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the Mayor to enter into an agreement with The Corradino Group, Inc., per Request for Proposal (RFP) No. 2018-189 for Transportation and Mobility Master Plan Planning Services, and providing an effective date.
COST: up to \$60,000.00
- G. Resolution No. 2019-011R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the Mayor to enter into an agreement with The Corradino Group, Inc., per Request for Proposal (RFP) No. 2018-191 for Transportation Element Update Planning Services, and providing an effective date.
COST: up to \$15,000.00
- H. Resolution No. 2019-013R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the City Manager to declare items as obsolete, damaged, and/or surplus property and otherwise in the best interest of the City of St. Cloud.
COST: There is no cost associated with this item.
- I. Resolution No. 2019-013R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the City Manager to declare items as obsolete, damaged, and/or surplus property and otherwise in the best interest of the City of St. Cloud.

COST: There is no cost associated with this item.

- J. Resolution No. 2019-016R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the Mayor to enter into an agreement with A. Bartlett Roofing & Construction Services, LLC, per Request for Proposal (RFP) No. 2018-122 for Continuing Roofing Services, and providing an effective date.
COST: This contract will be utilized by various City departments for roofing repairs on an as-needed basis from various approved and budgeted expenditure accounts.
- K. Resolution No. 2019-017R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing and directing the Mayor to enter into an agreement with Springer-Peterson Roofing & Sheet Metal, Inc., per Request for Proposal (RFP) No. 2018-122 for Continuing Roofing Services, and providing an effective date.
COST: This contract will be utilized by various City departments for roofing repairs on an as-needed basis from various approved and budgeted expenditure accounts.
- L. Resolution No. 2019-019R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the waiver of formal bidding requirements and utilizing Osceola County Contract No. AR-14-03617-CV, which is reasonable and otherwise in the best interest of the City of St. Cloud, for the purchase of fencing supplies and services, providing for the award thereof to Chapco Fence, LLC, and providing an effective date.
COST: This contract will be utilized by various City departments for the purchase of fencing supplies and services on an as-needed basis from various approved and budgeted expenditure accounts.
- M. Resolution No. 2019-022R, a resolution of the City Council of the City of St. Cloud, Florida, repealing and replacing Resolution No. 2018-125R, which established a Capital Asset Policy and Procedures for the City of St. Cloud, Florida, repealing any resolutions, codes, ordinances, or policies in conflict; herewith and providing an effective date.
COST: There is no cost associated with this item.
- N. Resolution No. 2019-025R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor and the City Manager to enter into an agreement between the City of St. Cloud and Orlando Utilities Commission (OUC) as it relates to the City accepting and processing OUC electric utility service payments, providing for terms, conditions and an effective date.
COST: Revenue in the amount of \$50,000.00 annually.
- O. Resolution No. 2019-026R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into a public safety impact fee agreement with Galleria at Canoe Creek LLC, for the construction of the Steven's North Public Safety Complex pad-ready site and providing for an effective date.
COST: up to \$2,228,066.96 to be paid in public safety impact fee credits.

Mayor Blackwell announced the consent agenda with no response from the audience.

Deputy Mayor Matheny made a motion to approve the consent agenda with the clarification of Item B. Council Member Cooper seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

Sandy Siemon, 5465 Hanson Road, requested why the waiver for bidding on Consent Agenda Item L.

Leslie Flores, Procurement Director, stated this allowed the usage of formal bids from other governments.

City Attorney Mantzaris stated the bid was posted for the public.

VIII. Public Hearings

1. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-66**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Future Land Use designation of “Mixed Use” to approximately 46.11 +/- acres identified as Galleria, located west of Canoe Creek Road, 4,000 feet north of its intersection with Nolte Road; amending Policy 2.1.8 of the Future Land Use element regarding the Stevens Plantation Overlay, including Map I-6 of the Future Land Use element; providing for amending the official Future Land Use Map of the Comprehensive Plan and amending specific policies and maps of the Future Land Use element, filing of the Planning Commission recommendation and proof of publication, applicability and effect, severability, copies on file and effective date. (Above is full title) **ACTION ON ORDINANCE NO. 2018-66**

Ivy De La Cruz, Deputy City Clerk, read the final public hearing for Ordinance No. 2018-66 into the record by title.

Andre Anderson, Planning & Zoning Director, reviewed the proposed ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-66.

Scott Banta, 97 Hickory Tree Road, Longwood stated they had formed a website Galleria at Canoe Creek.com.

Council Member Askew made a motion to adopt Ordinance No. 2018-66. Council Member Cooper seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

2. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-67**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Zoning District of “MIX” Mixed Use, compatible with a “Mixed Use” Future Land Use designation change, adopted by Ordinance No. 2018-66, for approximately 46.11 acres identified as Galleria, located west of Canoe Creek Road, 4,000 feet north of its intersection with Nolte Road; providing for entering the designation on the official Zoning Map, filing of the Planning Commission recommendation and proof of publication, severability and effective date. (Above is full title) **ACTION ON ORDINANCE NO. 2018-67**

Ivy De La Cruz, Deputy City Clerk, read the final public hearing for Ordinance No. 2018-67 into the record by title.

Andre Anderson, Planning & Zoning Director, reviewed the proposed ordinance under Item #1.

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-67 with no response from the audience.

Council Member Cooper made a motion to adopt Ordinance No. 2018-67. Council Member Trace seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

3. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-69**, an ordinance of the City Council of the City of St. Cloud, Florida, closing, vacating, and abandoning drainage and utility easements located within lots 4 and 5, southwest of the intersection of East 13th Street and Old Hickory Tree Road, specifically described in the body of this ordinance; providing for severability, conflicts and an effective date. (Above is full title) **ACTION ON ORDINANCE NO. 2018-69**

Ivy De La Cruz, Deputy City Clerk, read the final public hearing for Ordinance No. 2018-69 into the record by title.

Andre Anderson, Planning & Zoning Director, requested the reading of Item #8. He reviewed the proposed ordinance and informed Council the easement issue had been resolved.

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-69 with no response from the audience.

Deputy Mayor Matheny shared a concern that the waiver might create future modifications.

Council discussion followed regarding parking and future usage changes.

Council Member Trace made a motion to adopt Ordinance No. 2018-69. Council Member Askew seconded the motion.

Mayor Blackwell called for roll call. After roll by City Clerk, Linda Jaworski motion carried. (Vote 4-1) Council Member Cooper voted nay.

4. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-70**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a Future Land Use Designation of "Medium Density Residential" to approximately 4.57 acres identified as 2051 Delaware Avenue, located east of Delaware Avenue; providing for amending the official Future Land Use Map of the Comprehensive Plan, filing of the Planning Commission recommendation and proof of publication, applicability and effect, severability, copies on file and effective date (Above is full title) **ACTION ON ORDINANCE NO. 2018-70**

Ivy De La Cruz, Deputy City Clerk, read the final public hearing for Ordinance No. 2018-70 into the record by title.

Andre Anderson, Planning & Zoning reviewed the proposed ordinance.

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-70.

Mark Allen, MWA Builders, 5265 Alligator Lake Road, stated he was available for questions.

Deputy Mayor Matheny made a motion to adopt Ordinance No. 2018-70. Council Member Cooper seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

5. **FINAL PUBLIC HEARING FOR ORDINANCE NO. 2018-71**, an ordinance of the City Council of the City of St. Cloud, Florida, assigning a zoning district of “R-3” Multi-Family Dwelling, compatible with a “Medium Density Residential” Future Land Use designation, for approximately 4.57 acres known as 2051 Delaware Avenue, located east of Delaware Avenue; providing for entering the designation on the official zoning map, filing of the Planning Commission recommendation and proof of publication, severability and effective date (Above is full title) **ACTION ON ORDINANCE NO. 2018-71**

Ivy De La Cruz, Deputy City Clerk, read the final public hearing for Ordinance No. 2018-71 into the record by title.

Andre Anderson, Planning & Zoning reviewed the proposed ordinance under Public Hearing #4.

Mayor Blackwell announced the final public hearing for Ordinance No. 2018-71 with no response from the audience.

Council Member Cooper made a motion to adopt Ordinance No. 2018-71. Deputy Mayor Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

6. **FIRST PUBLIC HEARING FOR ORDINANCE NO. 2019-01**, an ordinance of the City Council of St. Cloud, Florida, amending Article VI, “Construction and Design Standards for Pavement and Drainage Systems” of the Land Development Code, amending Article VII, “Utilities” of the Land Development Code, repealing Ordinance No.: 2014-26 in its entirety and readopting and codifying in the City Code standards previously adopted by Resolution of the City Council; providing for severability, conflict, codification, and an effective date. (Final Public Hearing will be heard on January 24, 2019) (Above is full title) **ACTION ON ORDINANCE NO. 2019-01**

Ivy De La Cruz, Deputy City Clerk, read the first public hearing for Ordinance No. 2019-01 into the record by title.

Andre Anderson, Planning & Zoning Director, reviewed the proposed ordinance.

Mayor Blackwell announced the first public hearing for Ordinance No. 2019-01 with no response from the audience.

Council Member Cooper suggested a citizen board to review the land development code.

City Attorney Mantzaris stated it would be a large task for citizens.

Dianna Rawleigh, Public Services Administrator, stated they had upgraded several standards and issues that were not part of the code.

Deputy Mayor Matheny made a motion to approve the first public hearing for Ordinance No. 2019-01. Council Member Trace seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

7. **FIRST PUBLIC HEARING FOR ORDINANCE NO. 2019-02**, an ordinance of the City Council of St. Cloud, Florida, amending Article III, Zoning Regulations, of the Land Development Code of the City of St. Cloud, Changing the assigned Floodplain Administrator; providing for severability, conflict, codification, and an effective date. (Final Public Hearing will be heard on January 24, 2019) (Above is full title) **ACTION ON ORDINANCE NO. 2019-02**

Ivy De La Cruz, Deputy City Clerk, read the first public hearing for Ordinance No. 2019-02 into the record by title.

Andre Anderson, Planning & Zoning Director, reviewed the proposed ordinance.

Mayor Blackwell announced the first public hearing for Ordinance No. 2019-02 with no response from the audience.

Council discussion followed regarding continued conversation with the JPA. Council consensus was to revise the JPA to add non contiguous annexations within the JPA.

Council Member Askew made a motion to approve Ordinance No. 2019-02. Deputy Mayor Matheny seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

8. **PUBLIC HEARING FOR RESOLUTION NO. 2019-027R**, resolution of the City Council of the City of St. Cloud, Florida, granting a standard site variance to Creative Inspiration Journey School, located on lots 4 and 5, southwest of the intersection of East 13th street and Old Hickory Tree Road, as is more fully described in the body of this resolution, regarding Division 13, parking stall requirements, section 6.13.1 - minimum dimensions, of the Land Development Code of the City of St. Cloud, Florida; providing that all other applicable Land Development Code sections are met, providing for expiration, and an effective date. (Above is full title) **ACTION ON RESOLUTION 2019-027**

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2019-027R into the record by title.

Andre Anderson, Planning & Zoning Director reviewed the proposed resolution and stated the applicant was asking for a waiver for section 6.13.1.

Mayor Blackwell announced the first public hearing for Ordinance No. 2019-01 with no response from the audience.

Council Member Trace made a motion to approve Resolution No. 2019-027R with sidewalk, grass and drainage conditions. Council Member Askew seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 4-1) Council Member Cooper voted nay.

IX. Council Action

1. Resolution No. 2018-229R, a resolution of the City Council of the City of St. Cloud, Florida, authorizing the Mayor to enter into line extension agreement with Heartwood 41, LLC. for Old Hickory residential development and providing for an effective date.

Ivy De La Cruz, Deputy City Clerk, read Resolution No. 2018-229R into the record by title.

Dianna Rawleigh, Public Services Administrator, reviewed the proposed resolution.

Mayor Blackwell announced the proposed resolution.

Mayor Blackwell made a motion to approve Resolution No. 2018-229R with signature date correction. Council Member Cooper seconded the motion.

Mayor Blackwell called for roll call. After roll call by City Clerk, Linda Jaworski motion carried. (Vote 5-0)

X. City Attorney

City Attorney Dan Mantzaris stated he had nothing at this time.

XI. City Manager

City Manager William Sturgeon applauded Dianna Rawleigh for receiving her Public Works Professional Management Certification.

St. Cloud Fire Department recently had an audit with the Department of Emergency Medical Services with recognition for their cleanliness, professionalism and documentation.

City Manager Sturgeon stated the Silver Spurs Rodeo committee approached him regarding having the 75th Anniversary Parade in St. Cloud on Friday, February 15, 2019. Council consensus was to host the parade.

XII. Mayor and Council Members

Council Member Matheny, thanked staff for the “Rockin the Cloud” event and said it was amazing. She stated the City quality of improvements had been greatly raised.

Council Member Cooper, requested to have an LDC Committee formed to review the LDC and provide recommendations to the Council and staff. Council consensus was to ask the Chamber if they would consider forming and overseeing the committee.

Council Member Askew stated helping small businesses would be at the top of his priority list.

Council Member Trace stated he was excited about the creation of the master plan and other plans and agreements that are being put in place.

Mayor Blackwell appreciated the work that went into the New Year’s Eve event. He also stated he appreciated the service and dedication from the men and women in Blue. He thanked the IT team working with the ADA closed caption for the City meetings. The Mayor wished all a Happy New Year!

XIII. Information Section and Report Section

Mayor Blackwell read the following:

- Saturday, January 12, 2019 - Tree Swap 9:00 a.m. @ Peghorn Park
- Thursday, January 17, 2019 - City Council Workshop – 6:30 p.m. @ City Hall, Council Chambers
- Monday, January 21, 2019 - City Offices Closed in observance of Martin Luther King Jr. Day
- Thursday, January 24, 2019 - City Council Meeting - 6:30 p.m. @ City Hall, Council Chambers
- Friday, Saturday and Sunday, January 25th, 26th and 27th, 2019 - Institute for Elected Municipal Officials - Jacksonville

The Mayor corrected the City Council Workshop time to 6:00 p.m.

Reports:

- Warrant List #4

XIV. Adjournment: 8:35 p.m.

Mayor Nathan Blackwell

ATTEST: City Clerk, Linda P. Jaworski

Minutes Approved: _____