APPROVED: 9/20/2018

City of Eustis, Florida

City Hall
10 North Grove Street
Post Office Drawer 68
Eustis, FL 32727-0068

Meeting Minutes – Final*
City Commission

Thursday, September 6, 2018 | **6:00 PM** | **City Hall**

INVOCATION: Rev. Skott Jensen, Eustis Assembly of God

PLEDGE OF ALLEGIANCE: Vice Mayor Aliberti

CALL TO ORDER: Mayor Morin - 6:18 p.m.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

Present: 5 - Commissioner Carla Gnann-Thompson; Commissioner Michael Holland; Vice-Mayor Marie Aliberti; Commissioner Linda Bob; and Mayor Robert Morin

I. AGENDA UPDATE

Ron Neibert, City Manager, announced that Ordinance No. 18-17 was withdrawn by the applicant. He also announced that staff would be asking to defer the second reading of Ordinance No. 18-15 to the second meeting in October.

II. APPROVAL OF MINUTES

18-0211 August 2, 2018 - Regular City Commission Meeting

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve the Minutes. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

III. AUDIENCE TO BE HEARD

Capt. Shane McSheehy, EPD Road Commander, addressed the Commission regarding the department's officers, their duties and their service to the community. He encouraged the Commission to provide adequate salaries for the officers.

Greg Mack asked the Commission to undertake a feasibility study to expand the use of the City pool which could possibly reduce operating costs.

Gail Isaac Thomas expressed concern about the lack of use of the street sweeper.

Darius Kerrison announced the upcoming comedy club noting that this will be the 4th anniversary.

Ronnie Morales, corporal with the City police department, commented on his service with the department and why he came to work for the City. He stated the department's desire to be the best department and encouraged the City and Commission to support the department with an appropriate budget and adequate staff. He stated they are asking for salaries competitive with other area cities that will also serve to attract new employees. He cited the pay level as the reason for the loss of experienced officers and encouraged the Commission to consider that during budget deliberations.

IV. CONSENT AGENDA

Mr. Neibert provided a brief explanation of Resolution No. 18-76 for the Florida Foods contract.

18-0193 Resolution No. 18-62: Extending the Cash Management and Banking Services Contract with TD Bank an additional two-year term

18-0198 Resolution No. 18-65: Reduction of Code Enforcement Fine/Release of Lien - 1901 Virginia Avenue, Case 15-00046

18-0201 Resolution No. 18-66: Partial Release of Lien - 1028 East McDonald Avenue, Case 10-145

18-0194 Resolution No. 18-67: Foreclosure Authorization - Vacant Lot East of 819 Gottsche Avenue, Case 10-145

18-0195 Resolution No. 18-68: Foreclosure Authorization - Vacant Lot East of 1030 Gottsche Avenue, Case 16-01026

18-0196 Resolution No. 18-69: Foreclosure Authorization - Vacant Lot South of 609 Gould Street, Case 16-00961

18-0197 Resolution No. 18-70: Foreclosure Authorization - Vacant Lot West of 2211 East Orange Avenue, Case 16-00970

18-0208 Resolution No. 18-71: Assigning Existing Lake Emergency Medical Services, Inc. interlocal agreements to the Lake County Board of Commissioners

18-0202 Resolution No. 18-72: Award of Bid No. 009-18 - Bates Avenue WWTP Master Lift Station's Influent Screening Improvement Project

18-0207 Resolution No. 18-73: Property Donation - Elijah and Christine Perry, Lot 3, North 1/2 of Lots 2, 5 and 6 Blk 21 City of Eustis Plat

18-0209 Resolution No. 18-76: Wastewater Service Agreement with Florida Food Products, Inc.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve the Consent Agenda. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

V. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

18-0200 Resolution No. 18-63: Adopting a Tentative Millage Rate for FY2018-19

Derek Schroth, City Attorney, announced Resolution No. 18-63: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative millage levy of ad valorem taxes for the City of Eustis, Lake County, for fiscal year 2018-2019; providing for an effective date.

Colleen Scott, Finance Director, announced the following: 1) The taxing authority is the City of Eustis; 2) The rolled back rate is 7.1350; and 3) The tentative millage rate is 7.5810 which exceeds the rolled back rate by 6.25%. She provided a comparison of property values and tax collections from 2008 to 2018. She then provided a comparison of change in taxable property values with other area cities. She reviewed a comparison of millage rates with the City with Eustis being ranked fifth in the County. She noted the number of cities that also have fire and/or solid waste assessments. She stated staff's recommendation to establish the millage rate at 7.5810 and announced that the next budget hearing would be held September 20th.

Mr. Schroth opened the public hearing at 6:34 p.m.

Kress Muenzmay addressed the Commission to request adoption of the rolled back rate of 7.135. He encouraged the adoption of a merit based salary increase program. He specifically cited the increase in the Events and Tourism budget.

Mr. Neibert explained the increase in the Events and Tourism budget is funded through the event revenues and not through City tax dollars.

There being no further public comment, the hearing was closed at 6:39 p.m.

A motion was made by Vice-Mayor Aliberti, seconded by Commissioner Holland, to Approve Resolution No. 18-63. The motion carried by the following vote:

Aye: 4 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

Nay: 1 - Commissioner Bob

18-0199 Resolution No. 18-64: Adopting a Tentative Budget for FY 2018-19

Mr. Schroth announced Resolution No. 18-64: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, adopting the tentative budget for Fiscal Year 2018-2019; providing for an effective date.

Ms. Scott reviewed the tentative budget for FY2018-19 and provided an overview of the budget process. She stated the second public hearing will be held September 20th. She cited the significant factors effecting the development of the budget and reviewed the all fund totals. She then reviewed the change in available fund balance from 2007 to 2018 and noted that Hurricane Irma cost the City $400,000. She provided an overview of the FY2018-19 Capital Improvement Plan totaling $5.3 million. She then stated the future challenges to the budget as follows: 1) Funding for police and fire pensions; 2) Increasing insurance costs; 3) The need for competitive compensation; 4) Aging infrastructure and 5) The anticipated additional homestead exemption which could result in a loss in property tax revenues of at least $400,000.

Mr. Schroth opened the public hearing at 6:48 p.m. There being no public comment, the hearing was closed at 6:48 p.m.

A motion was made by Commissioner Holland, seconded by Commissioner Gnann-Thompson, to Approve Resolution No. 18-64. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0210 Resolution No. 18-75: Awarding Bid #011-18 - Sale of Building at 17 E. Magnolia Ave.

Mr. Schroth announced Resolution No. 18-75: A Resolution of the City Commission of the City of Eustis, Florida, authorizing award of Bid No. 011-18 – Sale of building @ 17 East Magnolia Avenue, Eustis, Florida, to Pamela W. Rivas for the sale of a building located at 17 East Magnolia Avenue and *authorizing the City Manager to execute all agreement and contracts associated with the award.*

Tom Carrino, Economic Development Director, explained the history of the building, reviewed the bid results and stated staff's recommendation that the bid be awarded to Pamela W. Rivas in the amount of $131,500.

The Commission questioned the plans for the building and discussed the history of the building's ownership and why there was such a large range in the bid prices.

Pamela Rivas, high bidder, and George Asbate discussed plans for the building and indicated Ms. Rivas's intent to lower her bid to $90,000. They indicated they had contractors review the building to provide estimates and the amount of the renovations would be much higher than anticipated which would make it difficult to offer an affordable rent.

The Commission questioned how quickly the building could be renovated and a viable tenant in place if the City were to accept the $90,000 bid with Mr. Asbate estimating it would take at least six months to renovate the entire building.

Mr. Neibert questioned whether or not the City could accept a lower bid with Mr. Schroth responding that the Commission has discretion on the bid documents to accept, reject, in all or in part, to make awards by individual items. He stated the only issue they would have would be if the second highest bidder would be to cry "foul" based on the fairness or what's called the "equal protection doctrine" on constitutional principle.

Mr. Asbate stated the $90,000 is still considerably higher than the second highest bid with Mr. Carrino confirming that the second highest bid was $71,600.

The Commission expressed concern regarding the amount of the property appraisal and cited the number of businesses that have recently closed.

Mr. Neibert asked if the Commission could authorize staff to negotiate a revised agreement and then bring it back based on parameters set by the Commission with Mr. Schroth responding affirmatively based on whether or not the City would receive a bid protest from the second highest bidder.

Mr. Schroth opened the public hearing at 7:06 p.m.

Greg Mack commented on the original agreement and noted that the City had previously received an offer in the amount of $240,000. He questioned why the property isn't just listed on the open market rather than going through a closed bid. He cited his interest in the property and stated he was not notified of the open house.

Mr. Carrino confirmed Mr. Mack was on the list the bid documents were sent to and that the open house information was included in the bid documents.

There being no further public comment, the hearing was closed at 7:08 p.m.

Mr. Schroth stated that the Commission has several options: 1) They can negotiate with the highest bidder; 2) The sale can be re-bid; or 3) They can reject all the bids and do something else. He explained what could occur with a bid protest.

The Commission discussed whether or not to accept the lower bid and the need to have a successful business in the building with Mr. Schroth clarifying that the Commission has broad discretion in which bid to accept.

The following individuals further addressed the Commission regarding the bid award: 1) Dan Wesley; 2) Kara Wisely; 3) Chadwick Wisely; 4) George Asbate; 5) Pam Rivas; and 6) Greg Mack.

Mr. Schroth suggested that the City proceed with the sale but leave it open for another bidder to increase their bid. He recommended a 30 day time limit and that all of the bidders be contacted and explain that the decision will be on the best bid, not necessarily the highest bid.

Mr. Neibert asked if it should be opened only to the previous bidders or to anyone with a consensus to limit to previous bidders.

The Commission confirmed that Ms. Rivas would not agree to her original $131,000 bid with Mr. Asbate explaining they have a viable reason for lowering their bid, which is still the highest bid. He stated the appraisal was not accurate and the renovation costs will be much higher than estimated.

The Commission asked Mr. Schroth to re-state his suggestion with Mr. Schroth responding that he suggested that the Commission authorize staff to enter into an agreement for the $90,000; while allowing a period of time where an upset bidder could come to the City and state they would bid more under these additional terms. The Commission, at that point, could accept or decline and base their decision on the bidders track record despite price.

The Commission further discussed implementing Mr. Schroth's suggestion with Mr. Neibert suggesting that it might be cleaner to just re-bid the project if they were going to leave it open for 30 days. It was noted that the Commission's concern was more the ultimate use than the bid price.

Commissioner Holland moved to accept the City Attorney's recommendation.

Mr. Carrino clarified if the City is asking the original bidders to review their bids should they be asking for proposals or just looking at price.

Mr. Schroth responded that they should be required to submit a proposed contract that must specify their intended use and plan for the property so the Commission can review the intended uses.

Commissioner Gnann-Thompson seconded the motion.

Mr. Schroth stated that the resolution has now changed substantially therefore he recommended that there just be direction to staff to draft the agreement and notify the bidders that the time is available and the resolution will be postponed.

Mr. Neibert clarified that the City will negotiate a sales agreement for the $90,000 but leave it open for 30 days to allow any other bidders to amend their bids.

Mr. Asbate expressed opposition to the proposal since they are still the highest bidder. He emphasized they would concede if the second bidder came forward and they would not put the City in the position of litigation.

Commissioner Holland withdrew his motion.

A motion was made by Commissioner Gnann-Thompson, seconded by Commissioner Holland, for staff to enter into a contract with Ms. Rivas for the purchase price of $90,000 under the terms and conditions in the bid documents. The motion carried by the following vote:

Aye: 4 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; and Mayor Morin

Nay: 1 - Commissioner Bob

SECOND READING

18-0185 Ordinance No. 18-15: Amending Chapter 70, Article IV, Municipal Police Officers' Pension and Retirement System

Mr. Schroth read Ordinance No. 18-15 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending and restating Chapter70, Pensions and Retirement, Article IV, Municipal Police Officers' Pension and Retirement System, Sections 70-101 through 70-145, inclusive, of the Code of Ordinances of the City of Eustis; restating a "local law" pension plan for police officers to be known as the City of Eustis Municipal Police Officers' Pension and Retirement System; providing for codification; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

Mr. Schroth opened the public hearing at 7:35 p.m. There being no public comment, the hearing was closed at 7:35 p.m.

A motion was made by Commissioner Carla Gnann-Thompson, seconded by Commissioner Michael L. Holland, that Ordinance No. 18-15 be continued to the second meeting in October. On a voice vote, the motion passed unanimously.

18-0178 Ordinance No. 18-17: Small scale future land use map amendment to the Comprehensive Plan (2018-CPLUS-04) - north and south of Lakeshore Drive, west of railroad tracks

Mr. Schroth announced that Ordinance No. 18-17 was withdrawn by the applicant.

FIRST READING

18-0205 Ordinance No. 18-19: Annexation of property at 2307 Coolidge Street and 2250 Dixie Avenue

Mr. Schroth read Ordinance No. 18-19 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; voluntarily annexing approximately 0.62 acres of real property located at 2307 Coolidge St. and 2250 Dixie Ave., Eustis, FL.

Roland Magyar, Senior Planner, announced he would provide one presentation on all three related ordinances. He explained the proposed annexation, the amendment to the Comprehensive Plan changing the future land use designation from Urban Low in Lake County to Suburban Residential in the City; and the assignment of the Suburban Neighborhood design district designation. He stated the subject property consists of approximately 0.62 acres located at 2307 Coolidge Street and 2250 Dixie Avenue.

Mr. Schroth opened the public hearing at 7:42 p.m. There being no public comment, the hearing was closed at 7:42 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Holland, to Approve Ordinance No. 18-19 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0204 Ordinance No. 18-20: Future Land Use Map Amendment to the Comprehensive Plan-2307 Coolidge Street and 2250 Dixie Avenue

Mr. Schroth read Ordinance No. 18-20 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, amending the City of Eustis Comprehensive Plan pursuant to 163.3187(1) F.S.; changing the future land use designation of 0.62 acres of recently annexed *real property located at 2307 Coolidge St. and 2250 Dixie Ave., from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis.*

Mr. Schroth opened the public hearing at 7:43 p.m. There being no public comment, the hearing was closed at 7:43 p.m.

A motion was made by Commissioner Bob, seconded by Commissioner Holland, to Approve Ordinance No. 18-20 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

18-0206 Ordinance No. 18-21: Design District Assignment - 2307 Coolidge Street and 2250 Dixie Avenue

Mr. Schroth read Ordinance No. 18-21 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; assigning the Suburban Neighborhood Design District designation to approximately 0.62 acres of recently annexed real property located at 2307 Coolidge St. and 2250 Dixie Ave., Eustis, FL.

Mr. Schroth opened the public hearing at 7:44 p.m. There being no public comment, the hearing was closed at 7:44 p.m.

A motion was made by Commissioner Holland, seconded by Vice-Mayor Aliberti, to Approve Ordinance No. 18-21 on First Reading. The motion carried by the following vote:

Aye: 5 - Commissioner Gnann-Thompson; Commissioner Holland; Vice-Mayor Aliberti; Commissioner Bob; and Mayor Morin

VI. FUTURE AGENDA ITEMS

Vice Mayor Aliberti stated her desire for the Commission to consider a resolution expressing opposition to relocating the statue of Kirby Smith to the Lake County Historical Museum.

It was a consensus of the Commission to have a resolution placed on the September 20th agenda.

Mayor Morin asked about the housing improvement program discussed at the Community Redevelopment Agency community meeting with Mr. Neibert recommending that a workshop be held the second Thursday in October to discuss the proposal.

Commissioner Holland noted that the Lake Sumter MPO sign regarding the 429 extension does not include Eustis but includes other area cities. He asked Mayor Morin to approach the MPO to get Eustis added to the sign.

Commissioner Bob commented on some of the more positive publicity the City has been receiving from the news media.

VII. COMMENTS

City Commission

Commissioner Gnann-Thompson commented on the Lakeview improvement project.

Commissioner Bob announced that 31 third graders at Eustis Heights are only reading on a kindergarten level. She stated the school needs volunteers to read with them. She cited the number of third graders that will turn ten before December.

Commissioner Holland requested that the City extend sympathy to the family of former employee McNeely who passed away.

City Manager

Mr. Neibert asked the Commission to appoint Bill Howe as Acting City Manager during his vacation.

CONSENSUS: It was a consensus of the Commission for Bill Howe to be appointed Acting City Manager during the City Manager's vacation.

City Attorney - None

Mayor

Mayor Morin thanked the audience for staying for the entire meeting and emphasized the Commission cares about the City.

VIII. ADJOURNMENT - 7:56 p.m.

Mary C. Montez
MARY C. MONTEZ
City Clerk

Robert R. Morin, Jr.
ROBERT R. MORIN, JR.
Mayor/Commissioner

*These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can be obtained from the office of the City Clerk for a fee.