

REGULAR COUNCIL MEETING

A Regular Council Meeting was held on July 25, 2022 at 6:00 p.m. in the Council Chambers of City Hall and via GoToMeeting +1 (872) 240-3311 - Access Code: 505-707-173.

Council President Wilkeson called the meeting to order. Roll call was taken. Present were members Kenneth Burgess, Alan Knight, Charles Proctor, Jodi Wilkeson, Lance Smith and Mayor Whitfield. City Manager William Poe and City Attorney Matthew Maggard were present.

Staff present: Police Lieutenant Matthew Hillen, Public Works Director Shane LeBlanc, Planning Director Todd Vande Berg, Building Official Bill Burgess, CRA Director Gail Hamilton, Public Information Officer Kevin Weiss, IT Director Mike Panak, Senior Planner Rodney Corriveau and City Clerk Lori Hillman.

Director East Pasco Meals on Wheels Beth Aker delivered the innovation. The Pledge of Allegiance followed.

1. CONSENT ITEMS

1.1 Approval of July 11, 2022 Regular Meeting Minutes

1.2 29-22-01 Reassignment of ANGELA LAND, LLC's Interest (Assignor) to B&H CONSTRUCTION OF CENTRAL FLA, INC. (Assignee) – 40420 Free Fall Avenue

1.3 8-4-2022 Municipal Association of Pasco Resolution No. 796-22

RESOLUTION NO 796-22 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS, FLORIDA, AUTHORIZING THE CITY COUNCIL OF THE CITY OF ZEPHYRHILLS TO PARTICIPATE IN A JOINT MEETING OF THE MUNICIPAL ASSOCIATION OF PASCO TO DISCUSS MATTERS OF MUTUAL INTEREST; AND PROVIDING FOR AN EFFECTIVE DATE.

1.4 Asphalt Paving Systems, Inc. Piggyback Agreement No. 41-22-23 with Polk County for Cold Inplace Recycling for 7th Street Resurfacing (5th Avenue to North Avenue)

1.5 D.C. Johnson Agreement No. 41-22-24 Survey – Zephyr Park

1.6 Request Council Approval of Change Order #3 to BRW for the Reclaim Water Project

Lance Smith moved to pull Consent Item 1.4 for discussion. Seconded by Kenneth Burgess. Motion passed unanimously.

CONSENT ITEM 1.4

Public Works Director Shane LeBlanc said the City performed corings on 7th Street and determined the base was the cause of asphalt failure. Staff chose to resurface 7th Street with Cold Inplace Recycling which is an expense process but more cost effective than reconstructing the entire road and presented a video of the Cold Inplace Recycling process. He said the process shown will be complete within three days and residents will be able drive on the road for a week with temporary paint. A 1 ½" lift of asphalt will then be applied followed by an additional 1" lift of asphalt for a total of 2 ½" of asphalt on the base.

City Manager William Poe reiterated there will be a week where the road is dusty and doesn't look complete with no work being done. This is part of the process of allowing traffic to drive on the road to assist with compaction. Crews will return to add asphalt to the base.

Alan Knight moved to approve Consent Items 1, 2, 3, 4, 5 and 6. Seconded by Charles Proctor. Motion passed unanimously.

2. BUSINESS ITEMS/FINANCE DIRECTOR'S REPORT

2.1 Set Tentative Millage Rate

Finance Director Ted Beason requested Council's approval of a 6.25 millage rate be added to the TRIM Notices which is lower than the previous 6.35 millage rate. He said Public Hearings on the proposed Millage and FY 22/23 Budget will be held on Tuesday, September 13th at 6:00 p.m. and Monday, September 26th at 6:00 p.m. He said the City cannot overlap meetings dates with the Pasco County School Board so the City has moved the regularly scheduled Council Meeting from Monday, September 12th to Tuesday, September 13th for taxpayers to attend both meetings, if interested.

Council President Wilkeson referred to a line item in the budget relating to Park funding in the amount of \$340,000 and requested Council consider earmarking \$30,000 or 10% for the restoration of Gunner Park.

Lance Smith moved to approve the 6.25 proposed millage rate with public hearings scheduled on Tuesday, September 13th at 6:00 p.m. and Monday, September 26th at 6:00 p.m. Seconded by Kenneth Burgess. Motion passed unanimously.

3. **PLANNING DIRECTOR'S REPORT**

3.1 Application to Rezone/Amend the Future Land Use at 38624 B Avenue

Planning Director Todd Vande Berg said an application was received for a small scale future land use map amendment and rezoning of 38624 B Avenue. The property is located on the south side of 8th Street and B Avenue and extends to the north side of C Avenue. The property is currently a split future land use classification of MU (Mixed Use) and RU (Residential Urban) with a split zoning designation of C3 (General Commercial) and R3 (Medium Density Residential). The applicant is requesting a future land use classification of RU (Residential Urban) with a zoning designation of R3 (Medium Density Residential) for consistency of the entire property. Staff and the Planning Commission have reviewed the application and concur with the proposed future land use and zoning amendments. Council were in majority agreement for the City Attorney to proceed with drafting an ordinance.

Councilman Kenneth Burgess recused himself from voting on the item below and left Council Chambers.

3.2 Townes at Autumn Palm Final Plat – Lennar Townhomes

Planning Director Todd Vande Berg said this property consists of approximately 9.77 acres located on the west side of Autumn Palm Drive, south of SR-54. The applicant is proposing 94 single-family attached homes. The infrastructure on this development has not been completed and the necessary performance bonds and associated engineer's estimates have been submitted by the applicant. The future land use classification of R4 (Residential Urban) and zoning designation of R4 (Multi-Family Residential) are appropriate for the type of development. Staff has reviewed the final plat to ensure compliance with Florida Statutes and the City's Land Development Code on platting and subdivisions. The City's surveyor of record has reviewed the plat which he found to be in compliance with Florida Statutory requirements for plats. Staff and the Site Plan Review Committee reviewed the final plat and recommended approval. If approved, a mylar was available and ready for signature along with a subdivider's agreement.

Lance Smith moved to approve the Townes at Autumn Palm Final Plat. Seconded by Charles Proctor. Motion passed unanimously.

Councilman Kenneth Burgess returned to Council Chambers.

4. **CITY MANAGER'S REPORT**

4.1 37-22-08 First Amendment to the Amended Tennis Pro Florida, LLC Agreement

City Manager William Poe said staff and the City Attorney met with Pascal Collard to draft the First Amendment being proposed for the management of the SVB Tennis Center. He presented two proposed amendments:

Article 3 – Term. He said the current language states a twenty (20) year agreement with two (2) subsequent ten (10) year extensions with a renewal of a minimum of six (6) months advance notice of the expiration date of intent to extend the agreement. The proposed language will require a minimum of two (2) years advance notice of the expiration date to ensure a smooth transition if a change occurs and will also allow programs to be expanded if the agreement is extended.

Article 13 – Miscellaneous – 13.4. The current language requires Pascal Collard to retain 51% ownership of Tennis Pro Florida, LLC. He said Pascal is looking to bring in additional investors and proposed new language to state Pascal Collard must remain CEO of Tennis Pro Florida, LLC, remain Operations Manager of SVB Tennis Center and remain responsible for the day-to-day operations of SVB Tennis Center. Should Pascal Collard no longer be CEO or Operating Manager, the City has the opportunity to deem this a breach of contract and immediately terminate the agreement. Staff recommended approval of the proposed amendments.

Lance Smith moved to approve the First Amendment to the Amended Tennis Pro Florida, LLC Agreement. Seconded by Kenneth Burgess. Motion passed unanimously.

4.2 Kim Earle – 37741 Phelps Road Update

City Manager William Poe stated Kim Earle addressed Council on July 11th regarding the flooding that occurred on July 1st during a heavy rain event. The complaint was that the water from the adjacent property, Trotter's Crossing, flooded Ms. Earle's property causing damage to her fence and Florida Room in the back of her house. Council voted to issue a stop work order until measures were put in place to stop future flooding. Since that time, the contractor has reinstalled a silt fence, repaired damaged fence posts, constructed a berm and trench along the southern portion of Trotter's Crossing, and dug a retention basin at the low point on the property as directed by engineer Craig Cornelison. The National Pollutant Discharge Elimination System (NPDES) permit was expected to be issued on July 21st but did not occur. The stop work order will not be lifted until the NPDES permit is issued. He said his understanding is that Ms. Earle and AMH Development are currently in discussions relating to the damage to Ms. Earle's Florida room and Ms. Earle is working on securing quotes from contractors to continue conversations for repairs. In closing, he said he received a call from Pasco County in response to a washout complaint on Phelps Road.

Spoke from the Floor: Kim Earle – 37741 Phelps Road – Zephyrhills, FL

Ms. Earle said when she left her house for the meeting at 5:00 o'clock, crews were on the back of the property working. She said there is currently a mountain of dirt behind the property and if you stand on the top and look down, there is a retention pond 25-30 feet deep.

Council President Wilkeson read aloud the conclusion from Engineer Craig Cornelison's email addressing Trotter's Crossing drainage dated July 12, 2022. She said this is not the City's responsibility technically but morally, she has to do what is right and wants to be sure Ms. Earle has the leverage needed to negotiate her compensation. She also wants to be fair to the developers.

Spoke from the Floor: Joe Guttuso – 2927 Pointview Drive – Tampa, FL

Joe said the site is self-explanatory. He said there will be a berm behind Ms. Earle's back yard that will remain in place. He said he received confirmation from Tallahassee today of their receipt of the NPDES application that he forwarded to Joel Bacon in Code Enforcement. He said he contacted the contractor in response to Ms. Earle's statement of crews working on the north side of the property and confirmed crews were knocking down piles of dirt. He said he has thrown out bales of hay to double / triple silt screen in an effort to protect the back side of the property. He said he and the contractor will make a decision to compensate Ms. Earle.

Council Vice President Smith thanked Joe for attending the meeting and asked that he diligently watch the berm to make sure there is no breach.

Kenneth Burgess clarified the ongoing construction was mitigation to correct the problem.

City Manager William Poe said staff has construction plans and will reach out to Ms. Earle to schedule a time to review the plans.

5. CITIZEN COMMENTS

Spoke from the floor: Eileen Westermann – 5522 17th Street – Zephyrhills, FL

Ms. Westermann said she received plans for Trotter's Crossing from the Environmental Protection Agency with the number of houses proposed. She said these are rental homes that no one will ever be able to own and said Zephyrhills was a joke. She asked Council if housing projects with wall-to-wall houses was the City's legacy. She said the City needs developers who provide extra setbacks and landscaping who care about keeping the environment and limiting white pollution. She thanked everyone for their hard work and said the rolling hills between Zephyrhills and Dade City need to be preserved.

City Manager William Poe said a 270 foot buffer to the north was created as a conservation area. He said with the houses condensed into one location, the 270 foot deep area to the north that stretches the length of the project provides open space for the neighborhood.

Council President Wilkeson said Ms. Westermann made a valid point. She said there is a trend for these Airbnb type projects due to the demand from out of state workers and people who cannot qualify to own their own homes. She agreed that they diminish the character of the City.

Planning Director Todd Vande Berg said staff has begun work on a North 301 Corridor Vision Land Use Strategy to preserve the hills and view sheds in the area between Kossik Road and Dade City. The top of the hill will be preserved as open space for access and enjoyment by the neighborhood and will be placed under a conservation easement that will be deeded as such. He said City and County staff are currently working with consultant Tammy Vrana to ensure the unique northern area and qualifying criteria is identified with language in the comprehensive plan.

MAYOR ANNOUNCEMENTS – Mayor Whitfield thanked those in attendance.

CITY MANAGER ANNOUNCEMENTS – City Manager William Poe said each Councilmember received a copy of the draft budget that includes a \$500 flat rate bonus for all employees. He said the budget includes an addition of \$102,000 for the purchase of tasers and body camera upgrades for ZPD but the bottom line budget remains the same. He said the connection of Simons Road to Fort King Road (Simons Road Phase II) began today, a 240 day project. He said once the project has been completed, the City will go out to bid for the Simons Road and Eiland Blvd. intersection signalization. He said the North Star Place Marketing and Branding project has begun.

CITY ATTORNEY ANNOUNCEMENTS - N/A

CITY COUNCIL COMMENTS – Councilman Knight echoed what the Mayor said and thanked everyone for attending the meeting. He said the City of Zephyrhills is the largest City in Pasco County and he is proud of the decisions made by Council.

Councilman Proctor thanked Ms. Earle for conveying her flooding situation to Council and thanked Joe and Greg with AMH for their attendance. He said it is important that this issue get resolved.

Council Vice President Smith thanked Joe, Greg and Ms. Earle for attending the meeting. He said the small town Zephyrhills is gone but we need to keep the core. He said he met today with an engineer from Jones Edmunds to get a grasp on the City's water situation. He said data was input into the GIS system and modeling has begun. He said it is Council's responsibility to make sure the nature of the growth is reflective of the character of the community. He said Council has the best interest of the community in their hearts when making decisions.

City Manager William Poe addressed the modeling that Council Vice President Smith spoke about and said he will be receiving an executive summary to use as a cheat sheet with a map of the proposed projects that he will share with Council.

Councilman Burgess said a number of projects approved by Council have come to fruition. He saw crews working this morning on Simons Road and said the 7th Street resurfacing project is a major artery through the City that will keep traffic moving.

Council President Wilkeson thanked Ms. Earle for attending the meeting. She addressed Ms. Westermann's statement that Zephyrhills is a joke and said she disagreed. She said when she first served on the Planning Commission in 2002, Mr. Vande Berg was the City Planner and she felt comfortable the City had the right person for the position, a well-educated, knowledgeable, and driven individual to make the right decisions. He is now creating a legacy of thoughtful people who want to help the City move into the next century and think outside the box with tiny homes and creating different environments for young people. She said this is important in retaining the vibrancy of a community. She acknowledged the dedicated Main Street board members and volunteers who support the community. She recognized Chamber of Commerce CEO Melonie Monson who will be retiring and thanked for her years of service to the community. Ms. Monson will be replaced by Ms. Vicki Wiggins and Dr. Stovall will continue to steady the ship during the transition.

6. NOTED ITEMS

- 6.1 Special Warranty Deed – 38410 6th Avenue – 11-26-21-0010-15300-0200
- 6.2 Special Warranty Deed – 6907 Dairy Road – 02-26-21-0010-01000-0000
- 6.3 Letter of Support for Continued SNAP Grant Funding
- 6.4 Depository Deposit Listing

Meeting adjourned: 7:14 p.m.
Submitted by Lori L. Hillman