

# City of Davenport Regular Meeting Minutes of June 21, 2021

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Minutes of the Regular Meeting of the City of Davenport, Florida, held Monday, June 21, 2021 at 7:00 p.m. in the Commission Room after having been properly advertised with the following members present: Mayor H.B. Robinson and Commission Members: Vice-Mayor Brynn Summerlin, Commissioner Bobby Lynch, Commissioner Tom Fellows and Commissioner Jeremy Clark. Also present: City Manager Kelly Callihan and City Attorney Tom Wilkes.

Mayor Robinson declared a quorum present and opened the meeting with invocation and a salute to the flag.

## **APPROVAL OF ORDER OF BUSINESS**

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the Order of Business. Motion carried unanimously.

**PUBLIC COMMENT** - None

## **CONSENT AGENDA**

**Motion** by Commissioner Fellows and seconded by Commissioner Clark to approve the Consent Agenda which consisted of the June 7, 2021 Regular Meeting. Motion carried unanimously with no discussion or public input.

**OLD BUSINESS** – None

## **NEW BUSINESS**

### **1. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 987 TO APPROVE THE ANNEXATION OF 626 SYLVAN RAMBLE ROAD. OWNER OF RECORD: STEVEN CLEMENTS**

At this time the Attorney was instructed to read Ordinance No. 987 by title.

City Planner Raymond Perez provided that this was a request to approve the annexation of 626 Sylvan Ramble Road.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Clark and seconded by Vice-Mayor Summerlin to approve Ordinance No. 987 on its first reading. Motion carried unanimously with no discussion.

### **2. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 988 TO APPROVE THE ANNEXATION OF 632 SYLVAN RAMBLE ROAD. OWNER OF RECORD: STEVEN CLEMENTS**

At this time the Attorney was instructed to read Ordinance No. 988 by title.

Raymond provided this was the annexation of 632 Sylvan Ramble Road.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Lynch and seconded by Commissioner Clark to approve on first reading Ordinance No. 988. Motion carried unanimously with no discussion.

**3. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1010 TO APPROVE THE ANNEXATION OF 0 NORTH BOULEVARD WEST. OWNER OF RECORD: CITY OF DAVENPORT. (GENERAL LOCATION - NORTH OF BY-GOSH BOULEVARD & WEST OF NORTH BOULEVARD WEST)**

At this time the Attorney was instructed to read Ordinance No. 1010 by title.

Raymond provided that this was the annexation of 0 North Boulevard West.

The City Manager voiced that as a Representative of the property owner, they did wish to be annexed.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve Ordinance No. 1010 on first reading. Motion carried unanimously with no discussion.

**4. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1011 TO APPROVE THE REZONING OF NORTH BOULEVARD WEST FROM RESIDENTIAL ESTATES 1 (RE-1) AND CONSERVATION (CN) TO RESIDENTIAL 3 (R-3)**

At this time the Attorney was instructed to read Ordinance No. 1011 by title.

City Planner Raymond Perez provided that this was the rezoning from Residential Estate 1 (RE-1) and Conservation (CN) to Residential 3 (R-3).

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve on first reading Ordinance No. 1011. Motion carried unanimously with no discussion.

**5. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1012 TO APPROVE THE ANNEXATION OF 1212 HIGHWAY 17/92. OWNERS OF RECORD - RICHARD D. VIGGIANO TRUST**

At this time the Attorney was instructed to read Ordinance No. 1012 by title.

City Planner Raymond Perez provided that this was the voluntary annexation of 1212 Highway 17/92 consisting of 3.02 acres.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Clark and seconded by Commissioner Fellows to approve on first reading Ordinance No. 1012. Motion carried unanimously with no discussion.

**6. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1015 TO APPROVE THE ANNEXATION OF 0 HIGHWAY 17/92. OWNERS OF RECORD - RICHARD D. VIGGIANO TRUST (GENERAL LOCATION - SOUTHWEST SIDE OF HIGHWAY 17/92)**

At this time the Attorney was instructed to read Ordinance No. 1015 by title.

City Planner Raymond Perez provided that this was the annexation of 1311 Highway 17/92 consisting of 3.53 acres.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Lynch and seconded by Vice-Mayor Summerlin to approve Ordinance No. 1015 on its first reading. Motion carried unanimously with no discussion.

**7. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1016 TO APPROVE THE ANNEXATION OF HIGHWAY 17/92. OWNERS OF RECORD - RICHARD D. VIGGIANO TRUST (GENERAL LOCATION: SOUTHWEST SIDE OF HIGHWAY 17/92 BETWEEN BATES ROAD & MYSTERY HOUSE ROAD)**

At this time the Attorney was instructed to read Ordinance No. 1016 by title.

City Planner Raymond Perez provided that this was the annexation of Highway 17/92 consisting of 21.09 acres. Raymond further advised that this would have to go to the State for review for the LUPA.

The Mayor opened and closed the Public Hearing with no public input.

The City Manager again reiterated that Staff had spoken to Haines City on this parcel and they were in agreement with the annexation. Additionally, they would be drafting an Interlocal Agreement for their approval. He also wanted to make sure that they made this part of their motion.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Clark to approve Ordinance No. 1016 on its first reading with the accompanying Interlocal Agreement coming from Haines City. Motion carried unanimously with no discussion.

**8. PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1021 APPROVING REVISIONS TO ARTICLE II (OCCUPATIONAL LICENSES) AND ARTICLE III (SOLICITORS) OF CHAPTER 10 OF THE CODE OF ORDINANCES**

At this time the Attorney was instructed to read Ordinance No. 1021 by title.

Code Enforcement Officer Steven Hunnicutt Staff presented this item outlining staff's recommended changes to Article II, which increased the occupational license fees and language changes to Article III regarding Solicitors.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Fellows and seconded by Vice-Mayor Summerlin to approve Ordinance No. 1021.

Commissioner Fellows asked how long it had been since the fees had been amended. Steven responded that the fees had not been changed since 1972. Commissioner Fellows again voiced his concern over the difference between the convenience stores and the mom and pop businesses. Steven answered that the reason for this was due to the classification of each business.

The Vice-Mayor asked if the fees were in line with other cities. Steven responded that they were comparable to other cities of the same size. Vice-Mayor Summerlin also pointed out that if he remembered correctly from the Workshop, this was less than a 5% increase in the total revenue generated from their current rates.

Commissioner Lynch asked why the categories Divine/Faith Healer and Fortune Teller/Palm Reader so high and question the rationalization behind it. Steven responded that this was the standard fee and added that some were as high as \$1,000 in bigger cities.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

**9. REQUEST TO APPROVE CHANGE ORDER NO. 5 WITH D.B. CIVIL CONSTRUCTION FOR THE ADDITIONAL WORK RELATED TO REQUEST FOR INFORMATION (RFI) 15, 19, AND 25 AND RELATED TO INSTALLATION OF A NEW RESIDENTIAL SERVICE CONNECTION**

Utilities Director Mike Stripling advised that the Project was nearing its completion. Staff was presenting Change Order no. 5 as a result of additional work that was identified. This included additional bell restraints and additional service connections to service new residences that weren't existent during the original design efforts. There were necessary additions to the service connections to the new school, Southern Crossings, and Pink Apartment Road also which were not in the original design. There was also a deduction of cost for the overage for some materials that weren't necessary. Mike noted that the total Change Order was \$92,671.14, which brought the contract with DB Civil down to \$5,951,796.28.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Commissioner Fellows and seconded by Commissioner Clark to approve Change Order No. 5 with DB Civil Construction.

The Vice-Mayor pointed out that they were still looking at approximately \$600,000 less than what the original contract price was. Mike added that they would be around the bid price even with the changes.

Commissioner Lynch asked if the Contractor had gone over their time of completion. Mike answered that they had and were still doing punch list items. The substantial completion date had been met, but the final completion had not. The City Manager chimed in and stated that everyone was up and running on the new line. They had told Staff that they would be finish

with the punch list items in 2 weeks. The project would come in a little over schedule but within their budget. They had never asked the City for any Covid or rain days and therefore wouldn't be seeking any damages unless it dragged out further than this time frame.

The Vice-Mayor expressed that the fact that they were only 2 weeks behind based on the year that they had just had was a testament to how well they had done their job and how well the City worked with them.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

**10. REQUEST TO APPROVE THE PIGGYBACK CONTRACT THROUGH LEE COUNTY WITH ASPHALT PAVING SYSTEMS FOR STREET RESURFACING**

Public Services Director Darryl Koon provided that Staff was asking to approve the Piggyback contract through Lee County with Asphalt Paving Systems for street resurfacing.

The Mayor opened and closed the Public Hearing with no public input.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve the piggyback contract through Lee County with Asphalt Paving Systems.

Brief discussion ensued with the Vice-Mayor asking what they were going to pave. Darryl responded that this project consisted of resurfacing Chipola Avenue from North Boulevard down to South Boulevard. Darryl further added that normally this would have been presented to them sooner but staff was waiting for the completion of the waterline project.

There being no further discussion, the Mayor called for the vote. Motion carried unanimously.

**11. REQUEST TO APPROVE RESOLUTION NO. 465-21 TO ENTER INTO A MAINTENANCE AGREEMENT WITH FDOT FOR MAINTENANCE OF COMPLETE STREETS UPGRADES**

Darryl explained that this was an Agreement with FDOT for improvements and upgrades from Highway 17/92 down Bay Street to Escambia Avenue, north onto Market Street and back to Highway 17/92. This would include installation of sidewalk on Bay Street, the west side of Escambia and Market Street. Improvements would also include the widening of Bay Street on the north side. The removal and replacement of light poles and replacement of overhead wiring with underground wiring. Angle parking will be added to the south side of Bay Street and a new crosswalk painted at the intersection of Escambia Avenue.

The City Manager added that the city has been working with FDOT on this projects for about 5 or 6 years. The next phase will include improvements on Bay Street from Escambia Avenue to Suwannee Avenue up to Market Street and tying it in to the first phase.

It was explained that there would be no cost to the City but the city would have to maintain it which in essence they already were.

In answer to the Vice-Mayor's question, Darryl responded that the new curb would abut the new sidewalk on the north side of Bay Street so there would be no grass area. There would

be no changes to the fountain area on Market Street other than new curbing. Darryl did point out that they would lose one parking space on Market Street near the barber shop because of the DOT setbacks along the highway. The City Manager pointed out that yes they would be losing a space but would be gaining 25 to 30 on Bay Street.

There being no other discussion, the Mayor entertained a motion.

**Motion** by Commissioner Lynch and seconded by Commissioner Clark to approve Resolution No. 466. Motion carried unanimously.

## **12. REQUEST TO APPROVE RESOLUTION NO. 466-21 CREATING A GRANT ADVISORY COMMITTEE**

The City Clerk informed them that last year when the City Community Grants were awarded that there had been some discussions to create a Grant Advisory Committee to help develop grant criteria and help review the applications. However since the Agenda had gone out she had reviewed the grant application further and grant criteria was spelled out in the application packet. This being said, instead of a Grant Advisory Committee staff was proposing that City staff review the applications instead.

**Motion** by Vice-Mayor Summerlin and seconded by Commissioner Lynch to approve Resolution No. 466-21 creating a Grant Advisory Committee for the purpose of discussion.

The City Clerk explained that the Grant application included the criteria. She further provided that the Resolution created the Grant Advisory Committee and it outlined the membership, terms and responsibilities of the Committee. However after consideration, they were proposing that City staff review the applications and not pass the Resolution.

For clarity purposes it was explained that these were grants that they awarded and not grants that the city applied for.

Interjecting, the Attorney provided that it would be his recommendation and advice that they not create a Staff Committee, but to direct the City Manager to set up staff review of the grants and provide a recommendation to the City Commission. This would steer them away from any impression of a Staff Committee and Sunshine Law requirements.

There being no further discussion, the Mayor called for the vote on the motion on the floor to approve Resolution No. 466-21. The motion failed with all nays.

## **CITY MANAGER REPORT**

The City Manager reiterated his comments from the May 17<sup>th</sup> meeting in which he would be bringing them a cost to take out the "F" curbing starting at the banquet hall on North Boulevard West all the way to West Boulevard and pouring a concrete Miami curb to provide parallel parking. In addition, he was getting a cost to take the three (3) islands out and doing angle parking. This would also increase their parking along State Street.

He also shared a Thank You card from all the employees expressing their appreciation on the Commission's decision to give them the \$1,000.

He also announced the 4<sup>th</sup> of July event at the Lewis Mathews Complex starting at 3 p.m.

He handed out the Budget and confirmed the July 8<sup>th</sup> Budget Work Shop at 5:30 p.m. He drew their attention to the Budget Message and provided a summary of what the Budget entailed. He asked that they contact him or Donald with any questions.

The date of Thursday, Sept. 9<sup>th</sup> was set for the 1<sup>st</sup> Budget Public Hearing and Regular Meeting and Tuesday, September 21<sup>st</sup> was set for the 2<sup>nd</sup> Budget Public Hearing and Regular Meeting.

**CITY ATTORNEY REPORT – Nothing to Report**

**CITY CLERK REPORT**

The City Clerk reminded them again not to forget to submit their Statements of Financial Interests forms before the July 1<sup>st</sup> deadline.

**CITY COMMISSION COMMENTS**

There were no comments from the City Commission.

There being no further business, a motion to adjourn was made by Vice-Mayor Summerlin and seconded by Commissioner Lynch.

Meeting adjourned at 8:18 p.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.

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Raquel Castillo, City Clerk