



city commission agenda

Regular Meeting
June 25, 2012
3:30 p.m.
Commission Chambers

commissioners		mayor		commissioners	
seat 1	Steven Leary	seat 2	Sarah Sprinkel	seat 3	Carolyn Cooper
			Kenneth W. Bradley	seat 4	Tom McMacken

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's Web site at www.cityofwinterpark.org.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Comments at the end of the meeting under New Business are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left to sum up. Large groups are asked to name a spokesperson. This period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

1	Meeting Called to Order	
2	Invocation Pastor George Cope, Calvary Assembly of God Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report a. Recognition of retiring Fire Rescue Lieutenant Jim Duba b. Presentation by Ms. Kathy Till (working with Florida League of Cities) – Advocacy Planner c. Report of the U.S. Conference of Mayors d. City strategic plan/"Best City in Florida" e. Proclamation – Parks and Recreation Month	30 minutes
5	City Manager's Report	Projected Time

6 City Attorney's Report	Projected Time
7 Non-Action Items	Projected Time
8 Citizen Comments 5 p.m. or soon thereafter (if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting) (Three (3) minutes are allowed for each speaker; not to exceed a total of 30 minutes for this portion of the meeting)	
9 Consent Agenda <ol style="list-style-type: none"> a. Approve the minutes of 5/14/2012 and 6/11/2012. b. Approve the following purchase, contracts, and bids: <ol style="list-style-type: none"> 1. Blanket Purchase Order with Air Liquide for Liquid Oxygen: \$182,500.00 2. Continuing Services Contract with BASE Consultants, P.A. for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Structural Engineering); and authorize the Mayor to execute the contract. 3. Continuing Services Contract with Florida Bridge & Transportation, Inc. for RFQ-2-2012, Continuing Professional, Architectural & Engineering Services (Discipline: Structural Engineering); and authorize the Mayor to execute the contract. 4. Continuing Services Contract with John J. Christie & Associates for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Mechanical & Electrical Engineering); and authorize the Mayor to execute the contract. 5. Continuing Services Contract with Universal Engineering Sciences for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Environmental Services); and authorize the Mayor to execute the contract. 6. Piggyback State of Florida Contract 600-760-11-1 with Neopost USA, Inc. for Mail Processing Equipment and authorize the Mayor to execute the contract. 7. Piggyback Western States Contracting Alliance Contract #1907 for Wireless Voice Service, Wireless Broadband Service, Accessories & Equipment and authorize the Mayor to execute the contract. 8. Piggyback State of Florida Contract #360-240-06-1 for Carpet & Flooring Materials and authorize the Mayor to execute the contract. 9. Piggyback State of Florida Contract 490-000-12-ACS for Laboratory and Safety Supplies & Equipment and authorize the Mayor to execute the contract. 10. Piggyback Orlando Utilities Commission Contract for Liquid Oxygen and authorize the Mayor to execute the contract. 11. Staff to enter into negotiations with the top ranked firms Ardaman & Associates, Inc. and Universal Engineering Sciences 	Projected Time 5 minutes

for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services).

- c. Approve the request of the Hamilton Place Homeowner's Association to install a new 8' vinyl fencing (replacing the existing 5' fence) across the rear of the properties which abut the railroad to assist with privacy and sound issues.

10 Action Items Requiring Discussion

Projected Time

- | | |
|--|------------|
| a. Sustainability Advisory Board | 20 minutes |
| b. Naming opportunities to honor the memory and accomplishments of Dr. Martin Luther King, Jr. | 15 minutes |
| c. Potential policy that governs City Commission written communication | 15 minutes |

11 Public Hearings

Projected Time

- | | |
|--|------------|
| a. Ordinance - Vacating a 3' electric utility distribution easement located at 1302 W. Fairbanks Avenue for the new McDonald's Restaurant (2) | 5 minutes |
| b. <u>Request of Vision Development and Management, LLC:</u> <ul style="list-style-type: none"> • Conditional Use Approval to develop up to a two story 12,000 square foot building with a new branch bank location as a redevelopment of the property at 957 W. Fairbanks Avenue, zoned (C-3). | 20 minutes |

12 City Commission Reports

Projected Time

- | | |
|--|-----------------|
| a. Commissioner Leary | 10 minutes each |
| b. Commissioner Sprinkel | |
| c. Commissioner Cooper | |
| d. Commissioner McMacken | |
| e. Mayor Bradley | |
| 1. 90 day action plan for the 3 rd Quarter 2012 <ul style="list-style-type: none"> • 2012-2013 Budget • Comprehensive plan review | |

appeals & assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105).

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



301 South Bronough Street, Suite 300 ♦ Post Office Box 1757 ♦ Tallahassee, FL 32302-1757
(850) 222-9684 ♦ Fax (850) 222-3806 ♦ Web site: www.flcities.com

Dear Municipal Leaders,

Now that the 2012 Legislative Session is completed, it's time to look ahead to 2013, and begin our advocacy efforts for next year. Effective advocacy begins and ends right at home in your cities, so there's no better time to start than today.

By fostering and building a positive relationship with our state leaders, we can insure they fully understand and respect the unintended consequences of unfunded mandates and preemption of Home Rule Authority. Building those relationships is important now more than ever as serious candidates for state office seek the support and assistance of our local leaders.

Strengthening our partnerships strengthens the voices of cities throughout Florida during the Legislative Session. But it's only by working together through on-going advocacy that we can affect positive change in our state.

The enclosed Advocacy Checklist provides just a few examples of effective advocacy strategies you can begin immediately. In addition, the Florida League of Cities is also developing several new, advocacy initiatives in 2012 which are designed to help local elected officials become more engaged with their state leaders. A brief outline is included in the packet. As more information and programs are developed, we will keep you informed.

Kathy Till, a former local elected official in Apopka, is working with the Florida League of Cities as an Advocacy Consultant, and is ready to help you develop an Advocacy Plan that works for you and your community. She can be reached at 407-484-3597 or advocacy4cities@aol.com.

We look forward to working with you, and please don't hesitate to contact Kathy or myself with any questions.

Respectfully,

Scott Dudley

Legislative Director
Florida League of Cities, Inc.

President **Patricia J. Bates**, Mayor, Altamonte Springs
First Vice President **Manny Maroño**, Mayor, Sweetwater ♦ Second Vice President **P.C. Wu**, Councilman, Pensacola
Executive Director **Michael Sittig** ♦ General Counsel **Harry Morrison, Jr.**

Advocacy Planner

Advocacy Begins & Ends At Home



Building State & Local Government Partnerships

ADVOCACY CHECKLIST TO GET YOU STARTED

Send a note to your legislator thanking them for their support of cities (where appropriate) or discreetly tell them you are aware of when they voted against cities...hold them accountable!	
If you will have a new legislator as a result of redistricting, (and you support the candidate), offer to walk a precinct with them in your city.	
Invite them to an upcoming council meeting to publicly thank them for their support of cities (where appropriate)	
Invite legislators/candidates to attend meetings on intergovernmental policy	
Invite legislators/candidates to visit project facilities (water treatment, CRAs, transportation projects)	
Brief them on what is going on in your city – Add legislators to your city mailing list for important issues.	
Identify and engage community leaders and groups (who are active on legislative issues) to educate and create alliances.	
Invite them to do a joint presentation to business/civic groups about issues affecting local residents and/or businesses	
Plan to attend Candidate Forums when scheduled for your region	
Start gathering data of returning issues for the 2013 Session such as Municipal Pension Reform, Red Light Camera Programs, Local Business Tax, etc.	
Host a Meet-n-Greet for your Legislators and key community leaders and activists	
Does your city have local business incentives? If so, share with your Legislators how they are being utilized and applied and how it has helped your community prosper.	
Take your Legislators on a tour of your city – water treatment plants, community redevelopment areas, new businesses, parks and recreation, etc.	
Invite your Legislators to a meeting with your senior staff to discuss what's happening in your city, challenges facing your community and the state, what their role is in your city	
If your city has a local newspaper, facilitate a meeting between the editor and your Legislator (particularly if you will have a new Legislator)	
If you give citizen awards, invite your Legislators to attend	
Invite Legislators to ribbon cuttings, grand openings of new businesses	

What's coming in 2012...

- Candidate Forums and/or Open House Events for State House & State Senate Races
- Advocacy Guide for Elected Officials
- Becoming a member of the Legislative Committees
- Advocacy Training in a city near you
- Advocacy Workshop at Annual Conference in August
- Monthly Advocacy Tips at: www.flcities.com



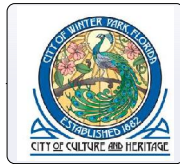
**Florida's cities =
Florida's citizens**



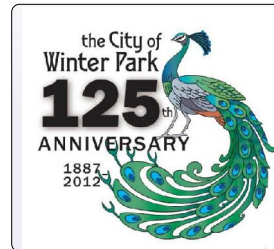
The Florida League of Cities, Inc.

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Winter Park, Florida



Best City in Florida, 2.3



Quality of Life

- Sociability
- Museums
- Culture
- History / Heritage
 - Dr. M.L. King memorial
- Community
- Recreation

Public Safety

- Health
- Fire
- Police

Life long Learning

- Open space
- Conservation
- Trees
- Lakes
- Air

Environment

Intelligent Development

- Physical Development
 - Quality Development
 - Preservation
 - Growth plans
 - Visually distinctive
 - "Complete City"
- Economic development

Infrastructure

- City venues
 - Library
 - Community Center
- Parks & Recreation
 - Downtown Parking plan
 - Sidewalks
 - New Train station
 - State Roads
 - SunRail
- Transportation
- Technology
 - Wired for Winter Park
- City businesses
 - Electricity
 - Water & Sewer

Government

- Fiscal Stewardship
 - "Right sizing" government
 - 5 year CIP plan
- Governance
 - How do we know?
 - Citizen participation
 - Communication
- Attributes
 - Annexation
 - Cost effective
 - Speed & efficiency
 - Ease of use
 - Citizen friendly
- City services



city commission city manager's report

item type City Manager's Report

meeting date June 25, 2012

Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

issue	update	date
Budget	The proposed budget is in the final stages of preparation. It will be distributed to the Commission in early July and introduced by the City Manager at the July 9 th Commission Meeting	September 2012
Electric Undergrounding Project	ENCO contract personnel for the electric department are still confirming tree conflicts for the 466 individual overhead primary electric lines that will be combined into ranked undergrounding projects. As you know the number of tree conflicts per mile is the most important factor in the ranking methodology. The number of tree conflicts is being checked and double checked to insure the credibility of the ranking methodology. Consistent with funding availability, the first five years of projects will be identified and included in the Five year Capital Improvement Plan to be included in the proposed fiscal year 2013 budget, which will be distributed to the City Commission at the July 9 City Commission meeting.	July 2012
Tree Preservation Ordinance	<p>A formal update is not being provided as the Tree Preservation Board meeting on June 21st was canceled based on lack of quorum.</p> <p>Two ordinance proposals have been prepared. Both proposals simplify and reduce the tree compensation requirements for tree removals by requiring the replanting of replacement shade trees in a manner that increases the incentive to replant trees over paying a financial compensation into the Tree Fund. In addition, the Board is addressing the use of the Tree Replacement Fund and the addition of an enforcement provision that effectively deals with hazardous and dead trees on private properties.</p>	

	The Tree Preservation Board will discuss at the their next meeting and finalize the ordinance changes and forward the ordinance to our legal staff and to the Planning and Zoning Board, which is required to make a recommendation on any changes within the Land Development Code. The ordinance will then be forwarded to the City Commission.	
City Hall Renovation	Renovation of City Hall is nearing completion. All air conditioning improvements are complete. New ceiling, walls, painting and flooring are nearly complete. Millwork is under production and will be installed by the end of June. Site landscaping, hard scape and underground stormwater retention is underway.	June 2012
Pensions	Shade meeting scheduled for June 25th at 2:30 p.m.	
Lee Road Median Update	FDOT has accepted the City's variance to maintain existing non-conforming vegetation. A final landscape plan has been resubmitted and final approval should occur within 2 weeks.	
Fairbanks Improvement Project	Working of finalizing contract and issuing notice to proceed. It is anticipated that construction will begin in early August	July 2013
Parking Study Alford Inn	Various streetscape programs are being discussed with Rollins. The study has been slowed pending those discussions.	
Tree Team Updates	<p>The Tree Team is presenting a methodology for selecting undergrounding projects was adopted by UAB on June 6th and City Commission on June 11th.</p> <p>A five year plan, based on the methodology will be presented as part of the budget document in July.</p> <p>The Tree Team continues to work on the Urban Forestry Management Plan and is soliciting quotes for a tree condition analysis.</p>	
Wayfinding Signs	Nearly all non-FDOT wayfinding signs are installed. Permitting of the FDOT signs continues. The permitting should be complete in June with signs installed in July	July 2012

Street Musicians	CRA staff met with merchants and the PAATF about some type of regulations. The general feeling is that there is no regulations needed for this and it is currently not a significant problem on Park Avenue.	June 2012
125th Anniversary Celebration	<p>The 125th Anniversary Task Force continues to meet on a monthly basis. On Friday, June 8, the City's 125th Anniversary webpages went live with a special button on the homepage of the city's website. These pages are specifically devoted to 125th Anniversary events, resources and activities.</p> <p>Also on June 8, the city began its official 125-day countdown to the 125th Anniversary (October 12, 2012). The Communications Department is posting 125 historical facts on its Facebook® and Twitter® accounts to remind the community of its rich history and generate excitement.</p> <p>The task force has broken up into a variety of subcommittees focusing on various aspects of the celebration including an early morning prayer service, a 2 p.m. Ergood Hall meeting, the Winter Park Historical Association Peacock Ball, Autumn Art Festival, exhibit at the Galloway Room in the Welcome Center, and a youth committee.</p> <p>In addition, the task force is also leveraging existing events and is tying in the 125th anniversary where appropriate. The most recent tie-in was with the Hannibal Square Heritage Center's Sage Event in May.</p> <p>Mayor Bradley previewed the 125th Anniversary events at the kick-off to CoffeeTalk and Good Morning Winter Park event on June 8.</p>	
MLK Task Force	The Commission received a presentation from the MLK Task Force on June 11th. The Commission narrowed the choices to Lake Island Park and Shady Park and requested additional input from the Community. Additional discussion about the naming opportunity will occur on June 25th.	
ULI Fairbanks Avenue TAP	The two-day workshop held at the Community Center on June 18th and 19th. A presentation was made to the Community on June 19th based on the team's recommendations. A formal white paper will follow.	June 2012

Strategic Plan	Staff is developing detailed plans for the strategic initiatives identified by the Commission. Additionally, staff is also developing a communication tool (scorecard) to regularly present the progress of initiatives.	August 2012
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Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.

REGULAR MEETING OF THE CITY COMMISSION
May 14, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:34 p.m. in the Rachel D. Murrah Civic Center, 1050 West Morse Boulevard, Winter Park, Florida.

Mayor Bradley requested a moment of silence in memory of Katherine Ford, a winter park resident who recently passed away. The invocation was provided by John Holland, Parks and Recreation Director, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Tom McMacken

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Mayor Bradley to approve the agenda as presented and to add a new item 7.b to discuss their Washington D.C. trip; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

a. Recognition as a "Fit Friendly" company by American Heart Association

Mayor Bradley recognized the City for recently receiving an award by the American Heart Association as being a "Fit Friendly" company and congratulated staff on their outstanding achievement. Nicole Donelson, Vice President of Heart Walk at the American Cancer Association presented the City with the award.

b. Presentation of check from Kenneth Murrah for the City of Winter Park Tree Fund

Mr. Kenneth Murrah presented the City with a \$1,204.40 check for the purchase and planting of trees as he has done so since 1999.

c. 2012 Board Appointments

Mayor Bradley thanked all the citizens who applied for board positions and advised that there will be more openings. The following appointments were made:

Board of Adjustment:

Phil Kean (Re-appointment)

Motion made by Mayor Bradley that the Board of Adjustment appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Code Enforcement

Keith Manzi (Re-appointment)
Roy Ray Jr. (Re-appointment)
Sheila DeCiccio (Re-appointment)

Motion made by Mayor Bradley that the Code Enforcement Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

CRA Advisory Board

Susan Lawrence (Re-appointment)
Alan Thompson (Appoint to regular position from Alternate)
Alternate position remained open.

Motion made by Mayor Bradley that the CRA Advisory Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Economic Development Advisory Board

Patrick Chapin (Re-appointment)
Stephen Flanagan (Appoint to regular position from Alternate)
Kelly Olinger (Appoint to regular position)
Alternate position remained open.

Motion made by Mayor Bradley that the Economic Development Advisory Board appointments are accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Environmental Review Board and Keep Winter Park Beautiful Board

City Manager Knight advised that there is an item on today's agenda to establish a Sustainability Advisory Board by combining the Environmental Review Board with the Keep Winter Park Beautiful Board. Mayor Bradley advised that he will hold off appointing any members to both of these boards until a final action has been taken.

Ethics Board

Thomas Bradley (Re-appointment)
Carlton E. (Gene) Colley (Appoint to regular position)
Michael English (Appoint to regular position from Alternate)
Thomas Ashlock (Appoint to regular position)
Alternate position remained open.

Motion made by Mayor Bradley that the Ethics Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Historic Preservation Board

Randall Glidden (Re-appointment)

Motion made by Mayor Bradley that the Historic Preservation Board appointment is accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Housing Authority Board

Dorothy Felton (Re-appointment)
Ann MacDiarmid (Re-appointment)
Kenneth Goodwin (Re-appointment)
Judith Kovisars (Re-appointment)

Motion made by Mayor Bradley that the Housing Authority Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Lakes and Waterways Board

Marty Sullivan (Appoint to regular position from Alternate)
Thomas Smith (Appoint to Alternate)

Motion made by Mayor Bradley that the Lakes and Waterways Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Parks and Recreation Advisory Board

Blair Culpepper (Re-appointment)

Motion made by Mayor Bradley that the Parks and Recreation Advisory Board appointment is accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Pedestrian and Bicycle Safety Advisory Board

Jean Siegfried (Re-appointment)
Elizabeth Holler (Appoint to regular position from Alternate)
Deborah Ryan (Appoint to regular position)
Alternate position remained open

Motion made by Mayor Bradley that the Pedestrian and Bicycle Safety Advisory Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Public Art Advisory Board

Dana Thomas (Re-appointment)
Betty Hartnett (Appoint to regular position)
Susan League (Appoint to regular position)
Katherine "Katy" Bakker (Appoint to regular position)
Daniel Iosue (Appoint to regular position)
Alternate position remained open

Motion made by Mayor Bradley that the Public Art Advisory Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Tree Preservation Board

Camille Goodin (Appoint to Alternate)

Motion made by Mayor Bradley that the Tree Preservation Board appointment is accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Utilities Advisory Board

David Smith (Re-appointment)
John Reker (Re-appointment)
Linda Lindsey (Re-appointment)

Motion made by Mayor Bradley that the Utilities Advisory Board appointments are accepted as presented; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Fire Pension Board

Tony Gray (Re-appointment)
Re-appointment of Garry Mitchell was postponed.

Motion made by Mayor Bradley that the Fire Pension Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Police Pension Board

Tom Cronin (Re-appointment)

Motion made by Mayor Bradley that the Police Pension Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

d. Proclamation – Emergency Medical Services Week, May 20-26, 2012

Mayor Bradley proclaimed the week of May 20-26, 2012 as "Emergency Medical Services Week" and thanked the EMS department for their continuous support throughout the community.

e. Proclamation – Civility Month

Mayor Bradley proclaimed the month of May as "Civility Month". He explained that the attorneys of the City, County and Local Government Law Section of The Florida Bar asked our local government to join with other cities and counties throughout Florida with this proclamation.

f. Presentation of FSAWWA Most Outstanding Class C Water Plant Award

Director of Utilities David Zusi announced that the City's Magnolia Water Treatment Plant recently received the 2012 Outstanding Class C Water Treatment Plant Award from the Florida section of the American Water Works Association. He recognized Don Nixon, Deneshwar Dewdat and Gary Heller who helped them to achieve this prestigious award.

g. "W" prize: Water conservation inter-municipality competition

Mayor Bradley advised that he was approached by Mayor Bruhn from the Town of Windermere for an internal city water conservation competition. Mayor Bradley accepted the challenge and encouraged staff and residents to share their ideas on how we can save water. He noted that this will be an ongoing effort over the next few months and the prize is yet to be determined.

h. Katherine Ford's passing

Mayor Bradley announced the recent passing of Ms. Katherine Ford.

City Manager's Report

City Manager Knight reminded everyone that the next Commission meeting is cancelled due to the Memorial Day holiday. The June 11 Commission meeting will be held in the renovated City Hall.

Commissioner Cooper requested that the Urban Forestry Plan be added to the City Manager's report so that it can be tracked accordingly.

Mayor Bradley shared his concern with safety aspects of trees falling throughout the City and requested that a tree analysis be completed to determine the number of healthy trees as well as those that appear to be at the end of their life. City

Manager Knight acknowledged and explained that staff is currently looking at the overall health of the tree canopy throughout the City.

- a. Development Report – no comments were made.

City Attorney's Report

No report.

Non-Action Item

- a. Financial Report – March 2012

Finance Director Wes Hamil provided the March 2012 financial report and answered questions.

Motion made by Mayor Bradley to accept the Financial Report as presented with the continued concern that staff continue to watch the expense side so that we achieve our budget; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

- b. Washington D.C. Trip

Mayor Bradley explained that the Commission met with the Economic Development Agency last week while in Washington D.C. to discuss the numerous projects throughout our City and to see if we qualify for any funding. Upon their return, a site visit to Mead Gardens was given to Congressman John Mica, Water Resources and Environmental Staff Director John Anderson, along with a representative from the Army Corps of Engineers, and the Florida EPA. The Commission said that during the tour they spoke about the restoration of Lake Lillian and they received positive feedback to assist us with obtaining grants.

Commissioner Cooper spoke briefly about the post office and said they are ready to meet with us once again. She asked City Manager Knight if we can schedule a meeting within the next few weeks and in the meantime she felt it would be advantageous if the Commission can come up with something additional to offer them besides the maintenance of the facility. City Manager Knight acknowledged.

Consent Agenda

- a. Approve the minutes of 4/23/2012.
- b. Approve the following contracts and formal solicitation:
 - 1. Continuing Services Contract with BASE Consultants, P.A. for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Structural Engineering); and authorize the Mayor to execute the contract. – **PULLED FOR DISCUSSION, SEE BELOW**

2. Continuing Services Contract with Florida Bridge & Transportation, Inc. for RFQ-2-2012, Continuing Professional, Architectural & Engineering Services (Discipline: Structural Engineering); and authorize the Mayor to execute the contract. – **PULLED FOR DISCUSSION, SEE BELOW**
 3. Continuing Services Contract with John J. Christie & Associates for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Mechanical & Electrical Engineering); and authorize the Mayor to execute the contract. – **PULLED FOR DISCUSSION, SEE BELOW**
 4. Continuing Services Contract with Universal Engineering Sciences for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Environmental Services); and authorize the Mayor to execute the contract. – **PULLED FOR DISCUSSION, SEE BELOW**
 5. Authorize staff to enter into negotiations with the top ranked firms Ardaman & Associates, Inc. and Universal Engineering Sciences for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services). – **PULLED FOR DISCUSSION, SEE BELOW**
- c. Approve the Interlocal Agreement with the City of Casselberry for Fire-Rescue Apparatus Inspections, Preventative Maintenance, Maintenance and Repairs.
 - d. Approve the 4th annual Winter in the Park Holiday Ice Equipment Rental and Management Agreement with Magic Ice USA (and subsequent purchase requisitions), and authorize the Mayor to execute the contract.
 - e. Approve the development and easement agreement for 121 Garfield Avenue to be able to officially record the sanitary sewer easement granted to the City in 2004 and the parking waivers approved at that time. – **PULLED FOR DISCUSSION, SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda items 'a', 'c' and 'd'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Items 'b.1-5'

Mayor Bradley referenced an upcoming agenda item labeled 10.d, Modification or amendment to the Purchasing Policy regarding local preference.

Motion made by Mayor Bradley to table Consent Agenda items 'b.1-5' until we have completed that discussion or no later than our next meeting; seconded by Commissioner Leary and carried with a 4-1 vote with Commissioner Cooper voting no.

Consent Agenda Item 'e' - Approve the development and easement agreement for 121 Garfield Avenue to be able to officially record the sanitary sewer easement granted to the City in 2004 and the parking waivers approved at that time.

Commissioner Cooper asked for clarification regarding the additional 10 parking spaces that is referenced in the April 27, 2012 letter from Mr. Hahn since it differs from the City's letter of offer dated December 16, 2004.

Attorney Brown said this letter is not a binding agreement and that the City Commission has the authority to consider what is being proposed today.

Planning Director Jeff Briggs explained the item was pulled from the agenda last year because the City's letter only touched on half of the terms and there was no backup for the other half of the consideration. We now have the letter from Mr. Hahn substantiating the other component of the terms as well as staff's recollection of what the negotiation included.

Motion made by Commissioner Sprinkel to approve Consent Agenda item 'e'; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

a. Hannibal Square East street dining (Armando's and Hannibal's)

Building and Code Enforcement Director George Wiggins explained the February 13 approval to proceed with this request for a temporary time period and for City staff to monitor this activity. The various departments have reported that there were no major problems experienced during the last two months since this street dining started. Mr. Wiggins noted that staff is recommending approval for another six month period subject to the conditions listed in "Criteria for Street Closures", payment of event fees, sewer and water fee for any added restaurant seating (if any), waiver of alcoholic beverage prohibition and approval of street barriers by the Public Works Department.

Motion made by Commissioner Leary to approve as presented; seconded by Mayor Bradley for discussion.

Mr. Wiggins clarified that the request is to hold this event nightly.

Motion amended by Commissioner Sprinkel to include the closing (of the street) for Thursday, Friday and Saturday evenings for up to one year; seconded by Commissioner Cooper. Commission discussion ensued regarding the possible implementation of establishing a fee to restaurants that regularly set up tables and chairs on City owned property and how the fee would be determined. **Commissioner Sprinkel clarified her motion to include the ability for us to add user fees to this at a later date; seconded by Commissioner Cooper.**

Motion amended by Commissioner Cooper to include holidays; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper to amend the criteria to include approval of the majority of property owners within 500 feet circumference of the special event (for new applications). Motion failed for lack of a second.

Vickie Krueger, 200 Carolina Avenue, inquired about liability concerning potential accidents or incidents.

Vincent Gagliano, Owner of Chez Vincent – Hannibal's, spoke in favor of the one year extension and thanked the Commission for their support.

William Whitely, 444 West New England Avenue, spoke in favor of the request.

Upon a roll call vote on the amendment (to include holidays), Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the amendment (to include the closing of the street) for Thursday, Friday and Saturday evenings for up to one year and to include the ability for us to add user fees to this at a later date), Mayor Bradley and Commissioner Cooper voted no. Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried with a 3-2 vote.

Upon a roll call vote (to include holidays, to include the closing (of the street) for Thursday, Friday and Saturday evenings for up to one year and to include the ability for us to add user fees to this at a later date), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Eileen Duva, 311 East Morse Boulevard, spoke about the boat tour signs being in poor shape and asked if they can be replaced with more professional looking ones.

A recess was taken from 5:15 p.m. to 5:35 p.m.

b. Discussion of bidding out City Attorney contract

Mayor Bradley mentioned that he raised this issue at the last meeting as it relates to the costs the City incurs for legal services. Mayor Bradley mentioned that the average cost for years 2005 to 2008 was \$397,000 and for years 2009 to 2011 it was \$625,000 resulting in an increase of \$228,000 per year. It was noted that over the past few years there were several large litigation cases that could have contributed to the higher costs incurred. Mayor Bradley said he is very concerned with this trend and suggested that they either re-bid or renegotiate which might help reduce the costs.

Several suggestions were made by the Commission which included: for staff to create an evaluation process so that yearly evaluations can be completed for not only the City Attorney but for the federal and state lobbyist; determine if there is something the City can do that we have not been doing or do something differently that would save us money; further define the scope of services so that we know exactly what we are paying for and so the City Attorney knows the operating procedure to follow; and to establish a not to exceed dollar value for legal services and for the City Attorney to seek Commission approval to go past that dollar amount.

Commission discussion ensued as to the lack of details that is being provided to them as it relates to the costs incurred for each litigation case. The Commission mentioned the new red light camera law and said it would be beneficial if the Commission knew how much it cost to defend a case versus revenues collected because it may not be worth defending. The Commission requested to be informed of these matters and agreed that this should also apply to land use cases and items of similar nature.

Attorney Brown recommended that an executive session meeting be scheduled with the representatives of his firm and the Commission so they can be briefed on each case and the associated costs. They can also explain how costs are incurred with outside council members.

Attorney Brown provided a detailed cost breakdown for services rendered and mentioned that their total dollar amount is slightly lower compared to the City's figures. He pointed out that the dollar amount for services provided by outside council (Shutts & Bowen and Gray Robinson) should not be included in their total cost and said there needs to be further discussion regarding these types of discrepancies. He explained that every month his firm sends a very detailed invoice of all retainer and non-retainer bills which describes the date of service, who provided the service, a description of the service and the increment of time. He said if he were to send the Commission a copy of this data they would see exactly what is being provided and the costs associated. There was no further discussion on this matter.

A recess was taken from 7:08 p.m. to 7:23 p.m.

c. Discussion of bidding out Federal Lobbyist position

Commission discussion ensued regarding the Federal lobbyist position and if they should continue to support the current contract with Alcalde and Fay. It was noted that every five years the State and Federal lobbyist positions are to be reviewed and both positions are at the five year mark.

Several suggestions were made: to look at the amount of funds granted to Winter Park and compare it to the cost for services, establish an evaluation process so we

can measure their productivity, research the individual lobbyists on alternative websites to find out who they serve and how much they get paid, find out what other cities pay for their lobbyists and what they receive in return (meaning how much grant money have they received).

City Manager Knight said he is not aware of any State associations that conduct evaluations but he would be glad to look into it.

There was consensus that Commissioner Sprinkel finds out what other associations or municipalities are doing and bring the information back to the Commission. Mayor Bradley said this topic will be an extended item on our next agenda for additional information. City Manager Knight acknowledged.

d. Modification or amendment to Purchasing Policy regarding local preference

Assistant City Manager Michelle del Valle explained that the Purchasing Division was tasked with drafting a local preference policy. A total of six (6) local preference policies were reviewed from governmental agencies throughout Florida including City of Orlando, City of Palm Bay, City of Port St. Lucie, Collier County, Miami-Dade County, and Orange County. It was explained what the proposed local preference policy includes.

If adopted, this Local Preference Policy will supersede Section 2.04(F) of the Purchasing Policy & Procedures Manual and will become effective 14 days after adoption. This will allow staff proper time to finalize current formal solicitations and adjust internal procedures accordingly.

Ms. del Valle answered questions pertaining to the point system program and exemptions. Discussion ensued regarding how to define "local". The Commission agreed that a business would need to be located in Winter Park in order to receive credit for local preference.

Motion made by Mayor Bradley to move the draft policy as proposed and that it be brought back to the Commission at the next meeting with an amendment to our purchasing policy which would include the four points presented below which includes: 1) Process for verifying "local business" status; 2) process detailing local price match option for competitive bids within 5% of overall apparent low bid submitted by a non-local business; 3) process for assigning five (5) additional points for verified "local businesses" responding to Request for Proposals or Qualifications during the short listing process; and 4) exemptions; seconded by Commissioner Sprinkel.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

e. Discuss a potential policy that governs City Commission written communication

City Manager Knight stated this was on the agenda at the request of the Commission at the last meeting to discuss whether or not the Commission wants a written communication policy and what type of policy that would be. Commissioner McMacken commented about the uneasiness of the rest of the Commission with Commissioner Cooper sending out mass emails on a regular basis. He spoke about the need to include a disclaimer on the mailings saying this is an individual Commissioner's opinion. He addressed the need for the Commission to work together as a whole. Mayor Bradley agreed they need to get past this.

Mayor Bradley spoke about the publications he sends out that goes through a number of staff members to ensure that the information is accurate and correct. Discussion ensued about the possibility that they could alternate sending out information to the public and that they need to make sure that information is accurately given to the public.

Commissioner Sprinkel spoke about not wanting divisiveness in our community and that they all need to agree on this issue. She asked if there is a way they can embrace what is working for some people and maybe each of them should be given the opportunity to provide their own opinion to this same group of people that wants to hear it.

There was discussion about using City resources for this task. Commissioner Leary spoke about tying the hands of other Commissioners when one individual Commissioner sends out position papers and they cannot respond because of the opportunity for a Sunshine Law violation. He expressed concerns with having to respond to inaccurate/incomplete information sent out. He offered examples of when this happened and the tension it causes.

Commissioner Cooper addressed her newsletter "Cooper's Perspective" and the number of times it has been discussed in Commission meetings. She summarized the steps she has taken to do what the other Commissioners have requested of her regarding sending out her newsletter. She spoke about the opinion of our attorney that there was no Sunshine Law violation, quasi-judicial issues, or electioneering or campaign issues on the emails they have reviewed. She agreed that the entire Commission is supportive of public engagement in our government and that she will continue to advocate for positions she believes is in the best interest of our City and will do so in a very transparent, civil and lawful manner.

She spoke about putting a policy in place which could include: a disclaimer saying the individual Commissioner is not speaking for the entire Commission as a whole and is their personal opinion; warnings that their emails and any email addresses are subject to public records requests; whether to send them from her personal or City email; have the ability for anyone receiving your email to opt out of the list;

address the difference in how we treat quasi-judicial versus policy decisions; mass emails should not be sent to other Commissioners; position statements/papers on policy issues, if they were papers that an individual Commissioner wanted the Commissioners to read or someone wanted the other Commissioners to read, that they had to be sent to the City Manager for distribution; and that we strive to be consistent with our civility code.

There was further discussion regarding the interpretation of other Commissioners as to what our attorneys told them regarding this, how they can open themselves up to possible violations as well, and the hope that they can all work together on this.

Motion made by Mayor Bradley that we ask the City Manager to review other municipalities City Commission written communication in any form; that we ask the City Attorney to review that also and to draft if any individual Commissioner sends out anything, if it is going through the regular City channels there is a City process that reviews it and if there is not that there be both in size and font type where the disclaimer should be, what that disclaimer should read, how it should look, and that's in an effort to not limit any one individual or any of us from speaking; it is an effort to protect us all within the Sunshine Law. Motion was seconded by Commissioner Leary.

Discussion ensued regarding where the disclaimer should be placed on the communication and that it should not be hidden from clear view. Commissioner Cooper addressed the importance for her to continue to communicate with her constituents. After further conversation, comments were made regarding some of the misled/misinformed people in the community because of the incomplete information sent out.

The following spoke about the need for Commission communication and for each Commissioner to provide their input.

Carol Rosenfelt, 1400 N. New York Avenue
Pat Estes, 1537 Hillcrest Avenue
Donna Colado, 327 Beloit Avenue (read the Civility Code)
Vicki Krueger, 200 Carolina Avenue
John Rogers Jr., 1002 Temple Drive
Sally Flynn, 1400 Highland Road
Anne Mooney, 700 Melrose Avenue
Joan Cason, 1915 Woodcrest Drive
Mary Randall, 1000 S. Kentucky Avenue
John Murphy, 2211 Hawick Lane
David Akins, 1399 Aloma Avenue
Marti Miller, 1399 Aloma Avenue
Ned Cooper, 1047 McKean Circle

Nancy Shutts, 2010 Brandywine Drive

Patrick Chapin, Winter Park Chamber of Commerce, addressed the Civility Code and the need that everyone is able to have a conversation and even if they disagree walk away and shake hands.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

At the conclusion of this meeting, Commissioner Cooper submitted a memorandum regarding this issue to the Deputy City Clerk for inclusion in the minutes.

f. Proposed Sustainability Advisory Board

Mayor Bradley asked if this item was reviewed by the Environmental Review Board and the Keep Winter Park Beautiful Board and if we received any comments from them. City Manager Knight advised that it was discussed with the boards and staff felt they had support from both boards.

Commissioner McMacken advised that after hearing from several members of both boards saying this was brought up on very short notice he felt this may not have been completely vetted by both boards.

Motion made by Commissioner Leary to table this until both boards have come back with at least their feeling that they have had a bit more participation in the discussion; seconded by Mayor Bradley. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Hearings

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-65 "R-1AAA LAKEFRONT DISTRICT," SECTION 58-66 "R-1AA AND R-1A DISTRICTS," SECTION 58-70 "PURD DISTRICT", AND SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS" SO AS TO ENACT REVISIONS TO SINGLE FAMILY AND ACCESSORY BUILDING REGULATIONS; AMENDING SECTIONS 58-78, 58-869(B) & SECTION 58-95 BY ADDING PAIN MANAGEMENT CLINIC AS A PERMITTED USE IN THE I-1 ZONING DISTRICT, ESTABLISHING PARKING REQUIREMENTS, & ADDING A DEFINITION OF PAIN MANAGEMENT CLINIC; AMENDING ARTICLE V, "LANDSCAPE REGULATIONS" SECTIONS 58-333 & 336 BY ADDING SPECIAL BUFFER REQUIREMENTS FOR VEHICLE USE AREAS ABUTTING RESIDENTIAL AREAS; PROVIDING FOR CODIFICATIONS, CONFLICT, SEVERABILITY AND EFFECTIVE DATE.
First Reading

Attorney Brown read the ordinance by title.

Building Director George Wiggins explained that the ordinance update improves and corrects glitches and makes improvements in our current single family zoning standards, incorporates necessary language related to recently enacted Pain Management Clinic Ordinance into the Zoning Code and provides an amendment to our Landscape Code which codifies prescriptive criteria for parking lot landscape buffers across the street from residential properties.

Mr. Wiggins noted the editorial change that was provided by the City Attorney's office in regards to Section 58-65(f)(8) Side Wall Articulation. Mr. Wiggins mentioned that the P&Z Board did not approve this minor editorial change and that it is up to the Commission to include it or not.

Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel. Commissioner Leary clarified that he motioned to approve without the additional language and editorial changes.

Mr. Wiggins answered questions regarding the flag pole height limit, setbacks for corner lots and side wall articulation.

James Lucia, representing Lucia Custom Home Designers, Inc., spoke in favor of the proposed changes and that it is an important step in the right direction.

John-David Carling, 796 English Court, said he likes the proposed changes to the code particularly with the side setback.

John Rogers, 1002 Temple Grove, urged the Commission to consider the long term impacts regarding the articulations and setbacks prior to approval.

Motion amended by Commissioner Cooper to delete the changes listed under item #5 for sidewall articulation. Motion failed for lack of a second.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO TAXICABS; AMENDING SECTION 110-107 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO ALLOW AN INCREASE IN TAXICAB RATES; AND TO ALLOW ADJUSTMENT OF RATES THROUGH A RESOLUTION OR THROUGH THE RATE DETERMINATION PROCESS ENACTED IN THE CITY OF ORLANDO; PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Building Director George Wiggins explained the taxicab rates adjusted by the City of Orlando which are in effect throughout the Central Florida area and that Winter Park is the only other local government that also regulates vehicles for hire taxicab

rates. He explained the resolution adopted on July 11, 2011, allowing a fuel surcharge on taxi fares in line with the City of Orlando. This surcharge expired on March 31, 2012. The proposed ordinance enacts a rate increase of 9% which is identical to the City of Orlando, and represents an effective rate increase of 5% after factoring in the fuel surcharge that recently expired. Although Winter Park taxicab rates have been separately adopted, they have matched the rates established by Orlando since 1960.

Mr. Wiggins explained that in order to streamline this rate change process, the proposed ordinance establishes a mechanism whereby the City Commission may set taxicab rates by resolution (instead of by ordinance) or by recognizing Orlando's vehicle for hire rate adjustment process based on an analysis of meter rates and comparison to other cities performed by the Orlando Vehicle for Hire Administrator and approved by the Orlando City Council. Mr. Wiggins answered questions.

Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.

Roger Chapin, Vice President of Mears Transportation, said the taxicab rates are reviewed annually and that the City of Orlando ties their rates to the Consumer Price Index. The City of Orlando and Winter Park regulate taxicab rates and Orange County does not.

Mayor Bradley addressed being uncomfortable with the concept of home rule that whatever the City of Orlando does we should also do.

Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

- c. RESOLUTION NO. 2108-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1500 BERKSHIRE AVENUE, WINTER PARK, FLORIDA, AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES

Attorney Brown read the resolution by title. **Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Sprinkel.**

Planning Director Jeff Briggs answered questions related to the request for approval since Mayor Bradley noted that the rear of the house looks very modern compared to the front. Mr. Briggs said it is up to the discretion of the Historic Preservation Board in terms of any changes made to the exterior.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- d. RESOLUTION NO. 2109-12: A RESOLUTION OF THE CITY OF WINTER PARK IN SUPPORT OF A COMMUNITY-WIDE INITIATIVE TO REDUCE PEDESTRIAN INJURIES AND FATALITIES IN CENTRAL FLORIDA THROUGH EDUCATION, ENGINEERING, AND ENFORCEMENT

Attorney Brown read the resolution by title. **Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner Cooper.**

Brad Coon, Director of Bike Walk Central Florida, spoke in favor of the resolution and urged the Commission to support their efforts.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- e. RESOLUTION NO. 2110-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF TRANSPORTATION CHANGE THE SIGN AT THE INTERSTATE 4 FAIRBANKS AVENUE EXIT FROM "WINTER PARK" TO "WINTER PARK HISTORIC DISTRICT"

Attorney Brown read the resolution by title.

Senior Planner Lindsey Hayes explained that downtown Winter Park is now listed on the National Register of Historic Places and opportunities to promote the district to cultural tourists should be taken. One of the opportunities the district is eligible for is a special destination guide sign on Interstate 4. The recommendation is to approve the resolution in support of the sign amendment and in the letter requesting the sign change, ask that FDOT proceed immediately to update the I-4 signage on the Fairbanks Avenue exit both eastbound and westbound. Ms. Hayes noted that this would be at no cost to the City.

Discussion ensued as to the pros and cons with the proposed signage, how to better define the historic district and if we should request an additional sign versus replacing the existing signage. The Commission mentioned how important it is that we install the wayfinding signage throughout the City prior to changing the I-4 sign.

Public Works Director Troy Attaway clarified that FDOT intends to make this sign change when they reconfigure I-4 which can be several years from now. He noted that the non-FDOT wayfinding signs will be delivered by the end of May and the FDOT wayfinding signs are in for permit and should take approximately 30 days. As soon the permits have been issued staff will begin to install the signs throughout the City including the Fairbanks Avenue area.

Upon further discussion, the Commission requested that staff ask FDOT what the cost would be for an additional sign.

Motion made by Mayor Bradley that this be tabled until we have the FDOT response; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

City Commission Reports:

a. Commissioner Leary – No items.

b. Commissioner Sprinkel

Commissioner Sprinkel announced that a dog walk is being held at Cady Way Park this Saturday starting at 8:00 a.m.

c. Commissioner Cooper

Commissioner Cooper said the Sage Program at the Heritage Center this past Friday night was incredible.

Commissioner Cooper submitted a memo for the record regarding information she collected on the written communication she has been sending to the public (attached).

Records Retention Policy – This was not discussed.

d. Commissioner McMacken – No items.

e. Mayor Bradley – No items.

The meeting adjourned at 9:11 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham

Memorandum for the Record: May 14, 2012
Submitted for Inclusion in Minutes of the City Commission Meeting
Subject: Discussion of Potential Policy on Commissioner Communications
From: Commissioner Carolyn Cooper

Background: Over the past year, my Cooper' Perspective (Newsletter) has been the topic of City Commission discussion at eight separate public hearings; specifically, April 11, 2011, April 25, 2011, May 23, 2011, June 13, 2011 worksession, June 13, 2011 regular session, August 8, 2011, October 10, 2011, and October 24, 2011. I have listened to the concerns of my fellow commissioners and the counsel of our City Attorney and in a spirit of cooperation willingly made adjustments to the content of my Newsletter (see Attachment A.)

Legal Counsel: I have responded to the following counsel.

Attorney Brown provided the following guidance on 4-11-11:

1. A Commissioner has a right to send out their personal viewpoint as a Commissioner.
2. It is better practice for Commissioners not to send emails to each other.
3. The law does not prohibit an elected official from communicating with their constituents subject to ex-parte communications (pending quasi-judicial matter) or a competitive procurement black out period.
4. A Commission can use their personal computer email but that could open your personal computer up to public records request. Best practice to use government facilities for official communications. (audio)

Attorney Brown provided these answers to commission questions on 4-25-11:

5. The email list used for sending the Newsletter is a public record and any citizen or other commissioner can obtain it through a public records request.
6. Individual commissioners have the right on their own facilities to send out public record communications understanding that this opens up their personal facilities to public record requirements.
7. Recommends requiring a disclaimer that they are not speaking on behalf of the City or the Commission, but are speaking individually.
8. An elected member can send out email communications (position papers) to other members of a collegial body, the Sunshine violation arises when they respond; this is clearly not the best practice.

Attorney Reischmann provided these answers to commission questions on 6-13-11:

9. An individual has the right to state their position on what they think should be done on a particular policy issue, but this should not be done on a quasi-judicial matter.

10. Nothing illegal about telling people what you think should be done and what you are going to do on a policy issue.

11. Newsletters are written advocacy of a position much like position papers.

12. A disclaimer should be included in this type of email communication indicating that it is your own opinion so it is clear and avoids misunderstandings.

Legal opinions:

The Mayor has on two occasions asked our City attorneys to review Newsletters and provide opinions.

On 6-13-11, Mayor Bradley questioned the use of a picture that had been used during my campaign and questioned whether I may be violating election laws and electioneering. Attorney Reischmann said he did not see any sunshine violations, no quasi-judicial, electioneering or campaign issues in the emails he had been provided to review.

On 10-10-11, Mayor Bradley asked the attorney to specifically look into writing on the State Office Property to see if there was a Sunshine Law violation. On 10-24-11, Attorney Brown said he does not believe that a Sunshine Law violation occurred.

Conclusion:

After reviewing my Newsletters, the minutes and audios of the meeting where this matter has been discussed, I have reached the reasonable conclusion that the publication of my Newsletter does not violate the Sunshine Law or Election Laws. My Newsletters are consistent with my campaign promise to keep the citizens of Winter Park informed and to encourage their participation in our government. I believe that our entire commission is supportive of increased public engagement in our government. I have and will continue to research the issues and provide information I believe is accurate and timely. I will continue to advocate for positions I believe are in the best interest of our citizens and will do so in a transparent, civil and legal manner.

Date of Minutes	Legal Guidance/ Commission Request	Response
4-11-11	Attorney Brown explained a Commissioner has a right to send out their personal viewpoint as a Commissioner but it is better practice for Commissioners not to send emails to each other.	
4-11-11	Attorney Brown advised that you can use your personal email to send newsletters but that could open up your personal computer to public records request. Best practice to use government facilities for City business.	On 4-23-11, the return email address on my newsletter was changed from my personal email to my city email. This allows citizen responses to my newsletters to come to the city email and be easily available for public records request.
4-25-11	Mayor Bradley recommended having a declaration under it (the newsletter) that says "this is one person's view."	On 5-20-11, in response to the Mayor's suggestion, my disclaimer was changed to, "The views expressed herein are my own and not those of the Winter Park City Commission." Additionally, the title of the newsletter is "Cooper's Perspective."
6-13-11	Commissioner Sprinkel suggested that my Newsletter start with the summary provided by the City and then lead into my own perspective.	On 6-26-11, direct links to the City Website, Commission Minutes and Audios of the Commission meetings were added to the sidebar of the Cooper's Perspective Newsletter to provide the City summary and more complete information.
6-13-11	Mayor Bradley questioned the use of a picture that had been used during my campaign and questioned whether that may be violating election laws and electioneering.	On 6-13-11, Attorney Reischmann said he did not see any sunshine, quasi-judicial, electioneering or campaign issues in the emails he had been provided to review. (00:47:46)
10-10-11	Mayor Bradley asked the attorney to specifically look into writing on the State Office Property to see if there was a Sunshine Law Violation.	On 10-24-11 Attorney Brown said he does not believe that a Sunshine Law violation occurred.

REGULAR MEETING OF THE CITY COMMISSION
June 11, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Finance Director Wes Hamil, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper (via phone)
Commissioner Tom McMacken

Also present:

City Manager Randy Knight
City Attorney Larry Brown
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Motion made by Mayor Bradley to approve the agenda with the moving of item 10.f to a future meeting; seconded by Commissioner McMacken and approved by acclamation with a 5-0 vote.

Mayor's Report

- a. Proclamation – Honoring Ronald Blocker, Orange County School Superintendent

Mayor Bradley recognized Superintendent Ronald Blocker for his contributions to the Orange County education system. Mayor Bradley proclaimed July 11, 2012 as "Ronald Blocker Day" and encouraged everyone to recognize his great achievements upon his retirement. Mr. Blocker was present to accept the proclamation and thanked the City for recognizing him.

- b. Acceptance of the Florida Department of Agriculture and Consumer Services On-Site Monitoring Report for the State Energy Program

Mayor Bradley noted that he received a letter on behalf of the City from the Florida Department of Agriculture with results of the On-Site Monitoring Report and that the results were positive. Mayor Bradley provided a copy of the letter to the City Clerk's office and requested that it be part of the minutes (attached).

- c. 2012 Board Appointments

Mayor Bradley advised that he has nominations for the Environmental Review Board and the Keep Winter Park Beautiful Board but is holding off at this time until the Commission makes their final decision on whether or not they will be combining these two boards. The following appointments were made:

CRA Advisory Board:

Max Remer (Appoint to Alternate)

Motion made by Mayor Bradley that the CRA Advisory Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Economic Development Advisory Board

Maura Weiner (Appoint to Alternate)

Motion made by Mayor Bradley that the Economic Development Advisory Board appointment is accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Ethics Board

Stephanie Leonard (Appoint to regular position)

Motion made by Mayor Bradley that the Ethics Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Mayor Bradley said there is an opening for the alternate position on this board and encouraged individuals to submit their applications for consideration.

Historic Preservation Board

William (Billy) Wilson (Appoint to regular position)

Motion made by Mayor Bradley that the Historic Preservation Board appointment is accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Pedestrian and Bicycle Safety Advisory Board

Elizabeth Hemphill (Appoint to regular position)

Motion made by Mayor Bradley that the Pedestrian and Bicycle Safety Advisory Board appointment is accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Public Art Advisory Board

Sarah Davey (Appoint to regular position)

Motion made by Mayor Bradley that the Public Art Advisory Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Fire Pension Board

Garry Mitchell (Re-appointment)

Motion made by Commissioner Leary that the Fire Pension Board appointment is accepted as presented; seconded by Mayor Bradley and carried unanimously with a 5-0 vote.

Police Pension Board

George Broschart (Re-appointment)

Motion made by Mayor Bradley that the Police Pension Board appointment is accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Orange County Human Services Assistant Representative

James Dreyer

Motion made by Mayor Bradley that the Orange County Human Services Board appointment is accepted as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Mayor Bradley noted that the above nomination is our recommendation and is pending acceptance by Mr. Dreyer and approval by Orange County.

Wired for Winter Park Task Force

Jason Rotenberg
Nick Sambrato
Patricia Schoknecht

Motion made by Mayor Bradley that the Wired for Winter Park Task Force Board appointments are accepted as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Commissioner Leary asked for clarity regarding Commissioner Cooper participating by telephone and the ability to vote. Attorney Brown responded and said as long as there is a quorum physically present she/he can participate in voting via telephone and as long as the Commission accepts her/him being away for sufficient cause.

d. Best Foot Forward – Pedestrian Safety Collaboration

Mayor Bradley announced that on May 30 he joined the County wide initiative of "Best Foot Forward" (a community-wide pedestrian safety coalition focusing on making the streets safer for walkers and drivers). He advised that Metro Orlando ranks number one in the nation for pedestrian deaths and injuries and urged everyone to help by yielding to pedestrians in crosswalks.

City Manager's Report

City Manager Knight provided an update on the new restrooms at Fleet Peeples Park. Bid approvals are anticipated to come before the Commission at the first meeting in August and groundbreaking is expected around the end of August.

Public Works Director Troy Attaway provided an update on the City Hall renovations which included a new underground stormwater system and landscaping.

City Manager Knight and Planning Director Jeff Briggs responded to an inquiry pertaining to the streetscape study along with the status of the Alford Inn project.

Commissioner Sprinkel requested that a projected completion date for all items be included on the City Manager's report including the parking study rather than leaving the column blank. The request was acknowledged.

The Commission scheduled a shade meeting for June 25 from 2:30-3:30 p.m. to discuss the pension issue.

City Attorney's Report

No report.

Non-Action Item

a. Financial Report – April 2012

Finance Director Wes Hamil provided the April 2012 financial report and answered questions.

City Manager Knight advised that we received preliminary numbers from the Orange County Property Appraisers office and it showed about .5% decrease in property values City wide and about a 2% decrease in property values in the CRA.

Motion made by Commissioner Sprinkel to accept the Financial Report as presented; seconded by Commissioner McMacken and approved unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of 5/14/2012. **PULLED FOR DISCUSSION, SEE BELOW**
- b. Approve the following purchases, contracts and formal solicitations:
 - 1. PR 149360 with Prime Construction Group, Inc. for Site Contractor Services for Ward Park Project: \$150,802.00.
 - 2. PR 149361 with The Middlesex Corporation for Asphalt Paving for Ward Park Project: \$60,235.65.

3. PR 149362 with S&L Materials for Shell Base Soil Cement for Ward Park Parking Lot Project: \$58,350.00.
4. PR 149412 with Musco Lighting, Inc. for New Field Lighting for the Ward Park Soccer Field: \$227,000.00.
5. Blanket Purchase Order with Tyler Technologies, Inc. for Public Safety Solution: \$68,540.00.
6. Continuing Services Contract with BASE Consultants, P.A. for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Structural Engineering); and authorize the Mayor to execute the contract. **PULLED FOR DISCUSSION, SEE BELOW**
7. Continuing Services Contract with Florida Bridge & Transportation, Inc. for RFQ-2-2012, Continuing Professional, Architectural & Engineering Services (Discipline: Structural Engineering); and authorize the Mayor to execute the contract. **PULLED FOR DISCUSSION, SEE BELOW**
8. Continuing Services Contract with John J. Christie & Associates for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Mechanical & Electrical Engineering); and authorize the Mayor to execute the contract. **PULLED FOR DISCUSSION, SEE BELOW**
9. Continuing Services Contract with Universal Engineering Sciences for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Environmental Services); and authorize the Mayor to execute the contract. **PULLED FOR DISCUSSION, SEE BELOW**
10. Joint Participation Agreement Supplemental Amendment 2 with FDOT (for up to \$780,000 in FDOT reimbursable expenses for the construction phase of Fairbanks Avenue) and authorize the Mayor to execute.
11. Piggyback State of Florida Contract 252-001-09-1 with Software House International Corporation for Microsoft License, Maintenance & Services and authorize the Mayor to execute the contract.
12. Piggyback Seminole County Contract 600562-09 with The Middlesex Corporation for Pavement Management Program and authorize the Mayor to execute the contract.
13. Piggyback City of Bartow Contract #2011-0241 with Tyler Technologies, Inc. for Public Safety Solution and authorize the Mayor to execute the contract.
14. Piggyback City of Orlando Contract C12-0157 with Bound Tree Medical, LLC for EMS Pharmaceuticals and authorize the Mayor to execute the contract.
15. Staff to enter into negotiations with the top ranked firms Ardaman & Associates, Inc. and Universal Engineering Sciences for RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services). **PULLED FOR DISCUSSION, SEE BELOW**
- c. Approve the annual review of the Debt Management Policy. **PULLED FOR DISCUSSION, SEE BELOW**
- d. Recommend award to Masci General Contractor, Inc. for IFB-10-2012 Fairbanks Avenue Roadway and Wastewater System Improvements Project; \$6,095,789.77. **PULLED FOR DISCUSSION, SEE BELOW**

Motion made by Mayor Bradley to approve Consent Agenda items 'b.1-5' and 'b.10-14'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Approve the minutes of 5/14/2012.

Mayor Bradley spoke about the document that Commissioner Cooper requested be attached to the minutes and asked that all personal/confidential information be redacted, specifically on page 3, prior to approval.

Attorney Brown provided clarification on items submitted for the record and noted that a member of a body has the general right as a courtesy to include documents into the minutes/record; however, the Commission has the right to control that process.

Motion made by Mayor Bradley to accept the memo along with the minutes with the redaction of specific email and other addresses as put into this document.

Upon a brief discussion, **Motion made by Commissioner McMacken to table this item until they all have this document in front of them; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

Consent Agenda Items 'b.6-9 and b.15'

The Commission discussed how they should proceed with the approval of the above contracts as it relates to both local preference and the proposed modification to the Purchasing Policy. Following a brief discussion, **motion made by Mayor Bradley to table the continuing services contracts on this agenda until the next meeting; seconded by Commissioner Leary. Upon a roll call, Mayor Bradley and Commissioners Leary and McMacken voted yes. Commissioners Sprinkel and Cooper voted no. The motion carried with a 3-2 vote.**

Consent Agenda Item 'c' - Approve the annual review of the Debt Management Policy.

Commissioner Cooper provided two changes to the Debt Management Policy based upon a recent Auditor's General Report that was provided to City Manager Knight for distribution to the Commission. She referenced (in the Auditor's Report) that the Financial Advisor must be independent of the underwriter and that local government should adequately document and justify that a negotiated or a private placement sale is the most appropriate type of sale. She said currently our policy does not require any written documentation explaining why we choose to do a private placement as opposed to a negotiated issue.

City Manager Knight advised that staff reviewed the document and has no objection to the proposed changes. Attorney Brown provided legal counsel regarding the use of specific words in the policy pertaining to the Financial Advisor and offered to work with staff and City Manager Knight to finalize the wording in the policy.

Motion made by Mayor Bradley that this be referred back to the City Manager and City Finance Director and take into account the two items that Commissioner Cooper brought up along with City Attorney counsel and that it be brought back to them; seconded by Commissioner McMacken. Upon a roll call, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item 'd' - Recommend award to Masci General Contractor, Inc. for IFB-10-2012 Fairbanks Avenue Roadway and Wastewater System Improvements Project; \$6,095,789.77.

Commissioner McMacken addressed the price difference between the low and high bid and asked if staff went through every plan and every detail and agrees that we can complete the project for the lower amount. City Manager Knight said yes.

Motion made by Commissioner McMacken to approve Consent Agenda item 'd'; seconded by Commissioner Sprinkel. Upon a roll call, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Action Items Requiring Discussion

- a. Naming opportunities to honor the memory and accomplishments of Dr. Martin Luther King, Jr.

Chairperson Carolyn Fennel introduced the members of the task force and explained the process and meetings held that brings them to where they currently are which is to recommend appropriate naming opportunities to honor Dr. Martin Luther King, Jr.

City Manager Knight briefly discussed the Task Force recommendations listed below along with the pros and cons of each recommendation:

- Street - Pennsylvania Avenue (from North Park Avenue to Fairbanks Avenue)
- Park - Lake Island Park
- Venue - Winter Park Community Center

Each Commissioner provided their opinion regarding the recommendations presented. Commissioner Leary shared his preference of Shady Park. Commissioner Sprinkel preferred Lake Island Park. Commissioner Cooper advised her first choice of Shady Park and her second choice of Lake Island Park.

Commissioner McMacken indicated that he prefers Lake Island Park. Mayor Bradley did not comment on his preference but noted that whatever their decision may be he would like for unanimity of the Commission on their decision.

Commission discussion included the guidelines associated with the naming policy of City owned facilities and how they should proceed. Mayor Bradley suggested that the Commission provide a recommendation and then offer the citizens an opportunity to vote on the official naming prior to their final decision.

Motion made by Mayor Bradley that the City Commission give consideration to the three recommendations for "parks" which have come from our Martin Luther King Task Force in terms of appropriate naming; seconded by Commissioner McMacken.

Elder Mitchell Dawkins Sr., Warner Chapel Church, said Lake Island Park would be the best fit.

Marti Miller, 1399 Aloma Avenue, said there are numerous children from all over Central Florida that attend Lake Island Park and was in favor of that park.

John D. Williams, Ward Chapel, spoke in favor of naming Lake Island Park.

Mary Daniels, 650 Canton Avenue, agreed with the naming of Lake Island Park.

Chairperson Carolyn Fennel requested that there be various means of communication preferences so they can obtain an overall view of citizen comments.

There was consensus for staff to utilize various communication efforts to obtain citizen feedback within a two week time frame and bring the item back to the Commission for a final decision.

Motion amended by Commissioner Leary to reduce the number to the two parks discussed; Shady Park and Lake Island Park; seconded by Commissioner Sprinkel.

Commissioner Sprinkel requested that the Task Force naming criteria be included in the communication efforts to the public. Commissioner McMacken requested that staff use other methodologies that might be more user friendly to obtain citizen feedback (such as a suggestion box at the community center, local churches, etc.). The request was acknowledged.

Upon a roll call vote on the amendment (to reduce the number to the two parks discussed; Shady Park and Lake Island Park); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote (on the main motion as amended,); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken from 5:36 p.m. to 6:02 p.m.

b. Electric Undergrounding, Tree Management, and Reforestation Plan

Electric Utility Director Jerry Warren provided a PowerPoint presentation on the Undergrounding, Tree Management and Reforestation Plan. Topics discussed included the overhead electric system challenge, the solution, undergrounding initiative, development of the undergrounding plan, the tree team, underground ranking methodology and example, line clearance and the "go forward strategy".

Mr. Warren asked the Commission to accept the proposed ranking methodology for prioritizing future electric system undergrounding projects along with accepting the recommended line clearance strategy coordinated with the electric system undergrounding program. Discussion ensued on the proposed methodology, the ranking system, costs for undergrounding, best practices and line clearance standards. Mr. Warren answered questions.

Motion made by Commissioner Sprinkel to approve the proposed ranking methodology and the clearance strategy according to national standards; seconded by Commissioner Leary. No public comments were made. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

c. Discuss Issuance of RFQ for Federal Lobbying services

City Manager Knight explained that at the last meeting Commissioner Sprinkel offered to research and provide some evaluation criteria regarding lobbying services and the information was included in the agenda packet for their review.

Discussion ensued as to what the evaluation form/process should include in order to quantify the job that is being done with whoever is selected. A suggestion was given to use the scope of services listed in the current contract as part of the evaluation form which will help them determine if they should bid the contract out or not. They also spoke about establishing a definitive set of criteria to be met when submitting an RFQ for these types of services.

Motion made by Mayor Bradley that we use the seven (7) criteria items under Part 1A to develop an evaluation tool of our current lobbyist and that it is completed by our July 9 meeting, that includes the City Commission and key members of City staff in a summarized format; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and

Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

d. Modification or amendment to Purchasing Policy regarding local preference

City Manager Knight explained that this item came before them at the last meeting for initial conversation and the Commission requested that it be on this agenda for formal adoption. He suggested that they talk about the process for those contracts that are pending, particularly the continuing contract awards since local preference should not be taken into consideration due to the CCNA guidelines.

Commission discussion included the timeline for which the policy would be implemented and the criteria/guidelines set forth for determining local preference.

Assistant City Manager Michelle del Valle explained that if adopted, this Local Preference Policy will supersede Section 2.04(F) of the Purchasing Policy & Procedures Manual and will become effective 14 days after adoption. This will allow staff proper time to finalize current formal solicitations and adjust internal procedures accordingly. Ms. del Valle answered questions.

Attorney Brown provided legal counsel regarding the timeline implementation and how it would affect the contracts that are in progress. He advised that we can change the rules/criteria as long as it does not impact the actual procurement. If it did, they could protest whereby the Commission would then have the option to reject all bids and start the process over with the new criteria.

Upon further discussion, **motion made by Commissioner McMacken to adopt the Purchasing Policy as recommended by staff; seconded by Commissioner Sprinkel.**

Leila Nodarse, Nodarse & Associates, 1675 Lee Road, spoke about the local preference policy and explained that by using a local firm for geotechnical services the City would see a reduction in costs because they would not have to pay for mobilization/transport fees. She asked if they would consider rebidding the geotechnical consultant contract for the reasons mentioned.

Following a brief discussion regarding the criteria used for selection of a contract, a **roll call vote was taken with Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voting yes. The motion carried unanimously with a 5-0 vote.**

- e. Lawyer-Client Agreement with Fishman Haygood, et al regarding claims against underwriters JPMorgan and Morgan Stanley of auction rate securities issued by the City in 2004 and 2005

City Manager Knight explained that the City issued \$40,075,000 in Water and Sewer Revenue Bonds, Series 2004 and \$49,800,000 in Electric Revenue Bonds, Series 2005. All of these bonds were issued in auction rate security mode. In addition, the City entered into interest rate swap agreements with the same underwriters to synthetically fix the rate on all of the Water and Sewer Bonds and \$44,800,000 of the Electric Bonds.

The heart of the City's claim against the underwriters is that they sold a product (auction rate securities) they were artificially supporting and knew auctions would fail if they discontinued their practice of providing bids to purchase the bonds. When they did discontinue providing supporting bids in February 2008, the market for auction rate security bonds collapsed. As a result, the City incurred excess interest costs, costs to issue replacement fixed rate bonds, and payments to terminate the interest rate swap agreements.

Also, there is a schedule of interest rates paid on the remaining auction rate security bonds that were not refunded at the time the swap agreements were terminated (September 2009). Currently, the only auction rate security bonds outstanding are \$16,610,000 in Electric Revenue Bonds. The failed auction rate has been very low (below 0.50%) for quite some time and staff is monitoring the weekly rates on these bonds to determine if they should be refunded with fixed rate debt.

In February 2012, the City authorized the lawyer to file a Statement of Claim with the Financial Industry Regulatory Authority (FINRA) in order to avoid the possibility of a statute of limitations concern since the auctions began failing in February 2008.

The Lawyer-Client Agreement has been reviewed by our City Attorney who was able to secure concessions requiring prior approval of certain costs and a favored nation's clause that would reduce the lawyer's contingency fee if the lawyer negotiates a lower fee with another client who issued a similar amount of auction rate securities with a materially similar risk of recovery.

Commission discussion included what options are available, the use of a contingency based arbitration versus retaining our City Attorney to proceed, if the costs incurred could exceed the recovery costs and how much money the City would receive if we proceed with the claim. City Manager Knight and Finance Director Wes Hamil answered questions and Attorney Brown provided legal counsel.

Motion made by Commissioner Sprinkel to approve the Lawyer-Client agreement; seconded by Commissioner Leary. After further discussion, Mayor

Bradley advised that he will be voting against this because it does not feel right to him, especially if we cannot make a claim in the court of public opinion. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

f. Potential policy that governs City Commission written communication

This item was tabled to a future meeting.

Public Hearings

- a. ORDINANCE NO. 2875-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-65 "R-1AAA LAKEFRONT DISTRICT," SECTION 58-66 "R-1AA AND R-1A DISTRICTS," SECTION 58-70 "PURD DISTRICT", AND SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS" SO AS TO ENACT REVISIONS TO SINGLE FAMILY AND ACCESSORY BUILDING REGULATIONS; AMENDING SECTIONS 58-78, 58-869(B) & SECTION 58-95 BY ADDING PAIN MANAGEMENT CLINIC AS A PERMITTED USE IN THE I-1 ZONING DISTRICT, ESTABLISHING PARKING REQUIREMENTS, & ADDING A DEFINITION OF PAIN MANAGEMENT CLINIC; AMENDING ARTICLE V, "LANDSCAPE REGULATIONS" SECTIONS 58-333 & 336 BY ADDING SPECIAL BUFFER REQUIREMENTS FOR VEHICLE USE AREAS ABUTTING RESIDENTIAL AREAS; PROVIDING FOR CODIFICATIONS, CONFLICT, SEVERABILITY AND EFFECTIVE DATE.
Second Reading

Attorney Brown read the ordinance by title. Building Director George Wiggins explained that in addition to the minor editorial changes by the City Attorney regarding the side wall articulation, Commissioner Cooper pointed out that on page 6, section (n)(7) at the beginning of line 3, the word "not" needs to be added and staff concurs with this change.

Mr. Wiggins advised that a resident came before him last week with a proposed change regarding an alternate side setback for narrow lots (65 feet wide or less) with rear parking areas or garages: Provide a side setback of 11 feet on one side to allow driveway access and provide a minimum setback of 6 feet (versus 7) on the other side with a side wall height limit of 11 feet measured from existing grade to the top of the roof sheathing and provide a second floor setback of 10 feet; or as an alternate for lots 60 feet wide or less provide a minimum setback of 8 feet to both floor walls on one side and a minimum setback of 10 feet to both floor walls on the other (driveway) side. He explained that he revised the proposed change for appropriate insertion into the ordinance if approved by the Commission. He mentioned that he does advocate this change.

Discussion ensued regarding the residents proposed change and if it should formally go before P&Z prior to Commission approval. Mr. Wiggins noted that this proposed change was presented to P&Z last week and they supported the change but subject to a site plan review by P&Z.

Motion made by Mayor Bradley to adopt the ordinance with the first, second and third items added (editorial changes). They include the following adjustment which we discussed on first reading and the addition of the word "not"; seconded by Commissioner Sprinkel.

Mr. Wiggins answered questions pertaining to setbacks on corner lots and side setbacks.

Motion amended by Commissioner Cooper that on the side yard setback we not reduce the setback further to 6 feet but leave it at the existing 7 foot; seconded by Commissioner McMacken for discussion.

Motion amended by Commissioner Cooper that where they talk about the setbacks on corner lots being changed from 25 feet to 20 feet that those setbacks remain at 25 feet; seconded by Commissioner McMacken for discussion purposes.

Robert Poynter, 1309 Alberta Drive, explained that he is the resident that proposed the change in side setbacks. His family owns a 50' lot and their intention is to build a smaller house and this revision would allow them to do so. He asked for approval of the changes.

Phil Kean, 229 Alexander Place, indicated that he is in favor of all of the changes proposed this evening.

Upon a roll call vote on the amendment (that where they talk about the setbacks on corner lots being changed from 25 feet to 20 feet that those setbacks remain at 25 feet); Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote on the amendment (that on the side yard setback we not reduce the setback further to 6 feet but leave it at the existing 7 foot); Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote on the main motion (to adopt the ordinance with the first, second and third items be added which is the editorial changes, they include the following adjustment which we discussed on first reading and the addition of the word "not"); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Motion made by Mayor Bradley that the special side setback option which has been recommended by staff and a citizen be referred to P&Z for

immediate review and bring it back to us in what he calls "glitch ordinance improvement two"; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- b. ORDINANCE NO. 2876-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO TAXICABS; AMENDING SECTION 110-107 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK TO ALLOW AN INCREASE IN TAXICAB RATES; AND TO ALLOW ADJUSTMENT OF RATES THROUGH A RESOLUTION OR THROUGH THE RATE DETERMINATION PROCESS ENACTED IN THE CITY OF ORLANDO; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Leary to adopt the ordinance; seconded by Commissioner Sprinkel. No public comments were made. Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1302 W. FAIRBANKS, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner McMacken. Planning Director Jeff Briggs answered questions. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken from 8:40 p.m. to 8:48 p.m.

- d. Request of CNL Commercial Real Estate: Final conditional use approval for a three story; 86,600 square foot office building on the site of the former State Office Building at 941 W. Morse Boulevard, zoned (O-1).

Commissioner McMacken recused himself from voting due to a conflict of interest; see Form 8B attached.

Planning Director Jeff Briggs explained that CNL Commercial Real Estate is requesting "final" conditional use approval for their office building project pursuant to the "preliminary" conditional use provided by the City Commission on April 23, 2012, on the property at 941 W. Morse Blvd.

Mr. Briggs explained that everything appears to be on target to accomplish the partnership between the City and CNL to redevelop this property with a Class "A"

office project. The "final" conditional use submittals address the concerns and conditions imposed with the "preliminary" approval. Mr. Briggs noted that there were some minor plan revisions to the landscape plan, stormwater drainage plan and site lighting and that the revisions are in accordance with staff comments and the applicant is in agreement. Mr. Briggs explained the stormwater retention plan is going to be primarily through underground exfiltration which will be near the driveway entrance to Morse Boulevard primarily and will accommodate the runoff from the parking lot. The rooftop runoff from the building will go into a small retention area formed by a berm in the front yard area. There was a unanimous approval from P&Z which allows the applicant to move into the building permit stage. Staff recommendation is for approval of the "final" conditional use pursuant to minor plan revisions as outlined.

Mr. Briggs answered questions including tree replacement, utility easements, screening for the dumpster and the stormwater retention area.

Tom Cunningham, CNL representative, provided a brief project update and answered questions.

Richard Baldocchi, representing Avcon Inc., Civil Engineer on the project, provided more detail regarding the proposed stormwater runoff concept.

Motion made by Commissioner Sprinkel to approve the final conditional use request; seconded by Commissioner Leary. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. The motion carried with a 4-0 vote. (Commissioner McMacken recused himself from voting.)**

City Commission Reports:

a. Commissioner Leary – No items.

b. Commissioner Sprinkel

Commissioner Sprinkel requested that staff provide an update on the tree ordinance at the next meeting. The request was acknowledged.

c. Commissioner Cooper – No items.

d. Commissioner McMacken – No items.

e. Mayor Bradley

1. Mayor Bradley asked for support for the City Manager to review the current form of compensation for services provided by the City Attorney so they can try to

understand why other cities handle it differently. There was consensus for City Manager Knight to research the item.

2. Mayor Bradley requested that if we are involved in any type of litigation he would trust that those matters would follow the City purchasing policy and/or our City Manager's authority, meaning that anything over \$50,000 would be presented to the Commission. The Commission agreed. City Manager Knight acknowledged.

3. Mayor Bradley requested that a street naming policy be brought forward. The Commission supported the request. City Manager Knight acknowledged.

4. Mayor Bradley spoke about individuals participating via telephone and asked the City Attorney and City Manager to review our policies and determine if there has to be a hall pass that accommodates this request. The Commission supported this request.

The meeting adjourned at 9:04 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

COMMISSIONER ADAM H. PUTNAM

May 2, 2012

The Honorable Kenneth W. Bradley
Mayor, City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789-4386

RE: Grant Number: # 17735 (Formerly ARS011) and # 17615 (Formerly ARS049)
On-Site Monitoring Report (April 24, 2012)

Dear Mayor Bradley:

On April 24, 2012, April Groover of our staff met with representatives of your community to monitor the State Energy Program (SEP) project identified above. This letter, which contains no "findings" and no "concerns," is a summary of that visit. Monitoring is based on an examination of documentation that supports the grant Recipient's compliance with the grant agreement, state statutes, and federal regulations. We monitored the following areas for compliance:

- National Environmental Policy Act of 1969 (NEPA) Review
- Financial Management System Review
- Labor Standards
- Procurement
- Program Administration

Following is a summary of the areas examined and the results of the monitoring.

National Environmental Policy Act of 1969 (NEPA) Review

As required by National Environmental Policy Act of 1968, as amended (42 U.S.C. 4321 et seq.), and 40 CFR 1500, all Recipients of federal funds must conduct an environmental review of the project and its activities and certify compliance with applicable federal regulations, as well as state and local laws. The Recipient has taken appropriate action to assess the environmental impact of the project and its activities and if necessary, has informed the public of the environmental requirements by publishing a concurrent notice. The environmental review record, particularly the assessment action, was reviewed in detail. The U.S. Department of Energy completed and approved the environmental review on January 3, 2012. There were no findings or concerns.

Financial Management System Review

We reviewed the Financial Management System to ensure compliance with requirements for fund control, cost allowability and accountability stated as identified in OMB Circulars A-21, A-87, A-122 and other applicable regulations. In reviewing the Recipient's record-keeping system, we examined documentation that the grant funds were incorporated into the Recipient's annual operating budget; reviewed how accounting records, including cash receipts and disbursement ledgers were maintained; checked for evidence that duties were segregated; established whether the request for funds file was complete; and ensured compliance with audit procedures. There were no findings or concerns.

Labor Standards

The Davis-Bacon Act and other related acts require federal grant Recipients to monitor construction contractors and subcontractors to ensure that they comply with specific labor standard requirements. This review consisted of monitoring payrolls and project files to determine whether the Recipient is documenting the following:

1. The proper wage decision is included in each contract.
2. Any needed wage conformance requests are processed.
3. Payrolls are being obtained and reviewed.
4. Employee interviews are being conducted.
5. Any problems that arise are resolved in a timely manner.

The review indicates that labor standards requirements are being met.

Program Administration

This review focuses on whether the Recipient has a project management system that complies with program requirements. We reviewed the filing system, record retention, and record access procedures for compliance with 10 CFR 600.242. Project progress was compared to the Scope of Work to determine on-time performance and expenditures. If non-grant funds were pledged in the application, we reviewed the amount expended to date. If program income was generated, its disposition was examined. There were no findings or concerns.

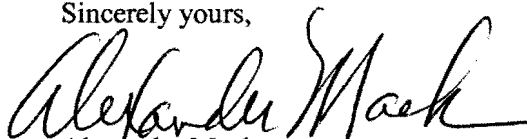
Procurement

Office of Energy-funded grants, including grant modifications, must comply with applicable federal procurement regulations and state laws. The principal federal procurement regulation is contained in 10 CFR 600.236. Procurement of certain professional services is also subject to 287.055, Florida Statutes, (also known as the Consultants Competitive Negotiation Act, or CCNA). No breach of statutory, regulatory, or contractual provisions was noted under this area during the visit.

Please be aware that this report does not relieve your jurisdiction of its obligation to continue to administer the grant according to federal and state laws, the program rule, and sound management practices. At this time, no additional monitoring visits are planned.

We appreciate the helpful and cooperative attitude of those who provided assistance during the visit. If you have questions on this report or wish to have additional information, please call April Groover, Grant Manager at (850) 922-0999 or contact her at April.Groover@freshfromflorida.com.

Sincerely yours,

A handwritten signature in black ink, reading "Alexander Mack". The signature is fluid and cursive, with the first name "Alexander" and last name "Mack" clearly distinguishable.

Alexander Mack
Program Administrator

AM/ag

cc: Lena Petersen, Construction Project & Grant Manager

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

LAST NAME—FIRST NAME—MIDDLE NAME McMACKEN THOMAS J	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE WINTER PARK CITY COMMISSION
MAILING ADDRESS 182 SHILOH LANE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY WINTER PARK	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
COUNTY ORANGE	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED 11 JUL 12	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE

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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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 otherwise may participate 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 other side)

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, THOMAS J. McMACKEN, hereby disclose that on 11 JUNE, 20 12:

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

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of AELOM, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent 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:

SAME AS PRIOR

11 JUNE 12

Date Filed

Signature

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.



city commission agenda item

item type	Consent Agenda	meeting date	June 25, 2012
prepared by department division	Purchasing Division	approved by	<input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		
		final vote	

Purchases over \$50,000

	vendor	item background	fiscal impact	motion recommendation
1.	Air Liquide America Corporation	Blanket Purchase Order for Liquid Oxygen	Total annual expenditure included in FY12 budget. Amount: \$182,500	Commission approve Blanket Purchase Order to Air Liquide America Corporation.
The City will piggyback the Orlando Utilities Commission contract for this purchase. See item 9 below.				

Contracts

	vendor	item background	fiscal impact	motion recommendation
2.	BASE Consultants, P.A.	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Structural Engineering)	Continuing contract to be used on a per project basis with approved budget.	Commission approve continuing services contract with BASE Consultants, P.A., and authorize the Mayor to execute the contract.
The City utilized a formal solicitation process to shortlist two (2) firms to provide continuing structural engineering services. The City Commission authorized staff to negotiate with this firm on April 23, 2012. Contract will be for a period of one (1) year with four (4) renewal options, not to exceed five (5) years in total. This process and contract is governed by CCNA, 287.055, F.S.				
3.	Florida Bridge & Transportation, Inc.	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Structural Engineering)	Continuing contract to be used on a per project basis with approved budget.	Commission approve continuing services contract with Florida Bridge & Transportation, Inc. and authorize the Mayor to execute the contract.
The City utilized a formal solicitation process to shortlist two (2) firms to provide continuing structural engineering services. The City Commission authorized staff to negotiate with this firm on April 23, 2012. Contract will be for a period of one (1) year with four (4) renewal options, not to exceed five (5) years in total. This process and contract is governed by CCNA, 287.055, F.S.				
4.	John J. Christie & Associates	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Mechanical & Electrical Engineering)	Continuing contract to be used on a per project basis with approved budget.	Commission approve continuing services contract with John J. Christie & Associates and authorize the Mayor to execute the contract.
The City utilized a formal solicitation process to shortlist one (1) firm to provide continuing mechanical & electrical engineering services. The City Commission authorized staff to negotiate with this firm on April 23, 2012. Contract will be for a period of one (1) year with four (4) renewal options, not to				

exceed five (5) years in total. This process and contract is governed by CCNA, 287.055, F.S.				
5.	Universal Engineering Sciences	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Environmental Services)	Continuing contract to be used on a per project basis with approved budget.	Commission approve continuing services contract with Universal Engineering Sciences and authorize the Mayor to execute the contract.
The City utilized a formal solicitation process to shortlist one (1) firm to provide continuing environmental services. The City Commission authorized staff to negotiate with this firm on April 23, 2012. Contract will be for a period of one (1) year with four (4) renewal options, not to exceed five (5) years in total. This process and contract is governed by CCNA, 287.055, F.S.				

Piggyback contracts

	vendor	item background	fiscal impact	motion recommendation
6.	NEOPOST USA, Inc.	Piggybacking for Mail Processing Equipment	Total annual expenditure included in approved FY12 budget	Commission approve piggybacking the State of Florida contract 600-760-11-1 with NEOPOST USA, Inc. and authorize the Mayor to execute the Piggyback Contract.
The State of Florida utilized a competitive bidding process to award this contract. The contract term expires on February 20, 2014.				
7.	Sprint Solutions, Inc.	Piggyback for Wireless Voice Service, Wireless Broadband Service, Accessories & Equipment	Total annual expenditures included in approved FY12 budget.	Commission approve piggybacking the Western States Contracting Alliance contract #1907 and authorize the Mayor to execute the Piggyback Contract and the Participating Addendum.
The Western States Contracting Alliance (WSCA) through lead agency State of Nevada utilized a competitive bidding process to award this contract. The current contract term expires October 31, 2016.				
8.	Cubix, Inc.	Piggybacking for Carpet & Flooring Materials	Total annual expenditures included in approved FY12 budget. Projected spend \$75,000.	Commission approve piggybacking the State of Florida Contract #360-240-06-1 and authorize the Mayor to execute the Piggyback Contract.
The State of Florida utilized a competitive bidding process to award this contract. The contract term expires on November 30, 2012.				
5.	Fisher Scientific Company, LLC	Piggybacking for Laboratory and Safety Supplies & Equipment	Total annual expenditures included in approved FY12 budget.	Commission approve piggybacking the State of Florida Contract 490-000-12-ACS and authorize the Mayor to execute the Piggyback Contract.
The State of Florida utilized a competitive bidding process to award this contract. The contract term expires on April 30, 2014.				
9.	Air Liquide America Corporation	Piggybacking for Liquid Oxygen	Total annual expenditures included in approved FY12	Commission approve piggybacking the Orlando Utilities Commission Contract and authorize the

			budget.	Mayor to execute the Piggyback Contract.
The Orlando Utilities Commission utilized a competitive bidding process to award this contract. The contract term expires on May 29, 2017. See item 1 above.				

Formal Solicitations

	vendor	item background	fiscal impact	motion recommendation
10	Ardaman & Associates, Inc.; Universal Engineering Sciences	RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services)	Continuing contract to be used on a per project basis with approved budget.	Commission authorize staff to enter into negotiations with the top ranked firms, Ardaman & Associates, Inc.; Universal Engineering Sciences
This fiscal year the City issued a Request for Qualifications for various professional services. The evaluation committee short listed a total of four (4) firms for oral presentations for Geotechnical Services. A post presentation ranking identified the top two ranked firms as Ardaman & Associates, Inc. and Universal Engineering Sciences. Under the CCNA requirements (F.S. 287.055), staff seeks authorization to enter into negotiations with those two firms for continuing services contracts for the discipline of Geotechnical Services.				



city commission agenda item

item type	Consent Agenda	meeting date	June 25, 2012
prepared by	George Wiggins	approved by	<input checked="" type="checkbox"/> City Manager
department	Building/Code Enforcement		<input type="checkbox"/> City Attorney
division			<input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A		
	final vote		

subject

Request of Hamilton Place Homeowners Association to install new 8 foot vinyl fencing along railroad frontage.

motion | recommendation

Approve request.

background

The City received a request from Georgette Myers, President of Hamilton Place Homeowners Association to replace an existing 5 foot wood subdivision fence with a new imitation walnut vinyl fence at a height of 8 feet across the rear of properties which abut the railroad to assist with privacy, sound issues and to provide a better maintenance free fencing material. The City Commission must approve subdivision walls or fences as indicated in the City's Subdivision Ordinance provided below:

ARTICLE VI. - SUBDIVISION AND LOT CONSOLIDATION REGULATIONS

Sec. 58-389. - Screening walls and landscaping requirements.

- (a) Screens separating residential lots from abutting roadways shall be either of the following types:
- (1) A landscaped strip at least five feet wide, densely planted with shrubs or trees that are set back at least two feet from behind the sidewalk or 20 feet from the curb or edge of pavement. This landscaped screen of trees and/or shrubs should be at least four feet high at the time of installation and able to form a dense screen six feet high within two years; or
 - (2) A wall or barrier constructed of maintenance-free material, six feet high. Such walls or barriers shall not be completely linear but should contain jogs which will vary the distance from the curb or edge of pavement between 17 feet and 20 feet and behind the sidewalk from two feet to five feet.
- (b) Prior to the installation of any landscape screen, the plans must be approved by the parks director for compliance with planting density, size and type required.
- (c) Prior to the installation of any wall or barrier, the location plan and composition must be approved by the city commission.

Since the fence is abutting the railroad the previous Commission approval of the existing fence did not require that the fence “contain jogs” in this location. Although the photos of the vinyl fencing included below depict imitation red cedar vinyl fencing, the fence company has another variation that includes the proposed imitation walnut color for the actual fencing to be used. As shown on the map, the fence will turn the corner a few feet as it approaches the Beloit Avenue street front and will end at that point.

alternatives | other considerations

Leave existing wood fencing in place.

fiscal impact

None.

long-term impact

Proposed vinyl fence is maintenance free and supposedly has a lifetime warrantee.

strategic objective

Quality development.

Michelle Bernstein

From: George Wiggins
Sent: Friday, June 15, 2012 5:00 PM
To: Michelle Bernstein
Subject: RE: Fence Request for Hamilton Pkace

From: myersorln@aol.com [mailto:myersorln@aol.com]
Sent: Friday, June 15, 2012 4:42 PM
To: George Wiggins
Subject: Re: Special varience for Hamilton Pkace

Hi Mr. Wiggins,

Thank you for responding so quickly. My name is Georgette and I am the President of the HOA for Hamilton Place in Winter Park. We currently have a 5-6 foot wall (depending on the lot and the trees) that runs along Denning behind our homes in front of the railroad tracks. Several of our panels are down and need to be replaced. We as a community have decided to rather than continue to repair, we would like to replace the entire wall with a wall that is more durable and possibly could help with the sound of the train and provide additional security for our homeowners. Currently our wall ends at the cul de sac and we would like to extend it to the brick wall that borders the community on the other side of the street.

We are requesting permission to build an 8 ft wall along the railroad tracks. We would attempt to salvage sections of our existing wall to be used around the back side of the back side of the cul de sac and ending where the brick wall starts. If not then we would be purchasing additional fencing of some sort to be installed in that area.

Our homes on the right side of the street are extremely close to the tracks with an industrial commercial site directly on the opposite side of the tracks. It is not uncommon to look up and see people walking the tracks....which being a single woman is quite scary.

The fence we are proposing is a commercial grade PVC walnut wood grain fence with reinforced steel in every post. That is a feature that we are paying extra for to assure maximum durability. Not only is it very durable...it will not fade and last for a lifetime. Backing up to the tracks and commercial sites...we are concerned with graffiti and if that happens you just pressure wash it right off. So we can always keep our fence looking new and a compliment to our community rather than an eye soar which is what we have now.

Based on the fact that we have two sections of panels down, we would like to begin the approval process and permitting right away. I have attached a very rough sketch of what I am proposing along with the spec sheet for the product. The only spec sheet the company provide was one for their simulated stone product, however, the install process is the same.

Thank you so much for helping me with this. This issue has been our agenda for years and we have patiently saved our money and our very excited to make a positive change for the better.

Sincerely,

Georgette Myers
President Hamilton Place HOA



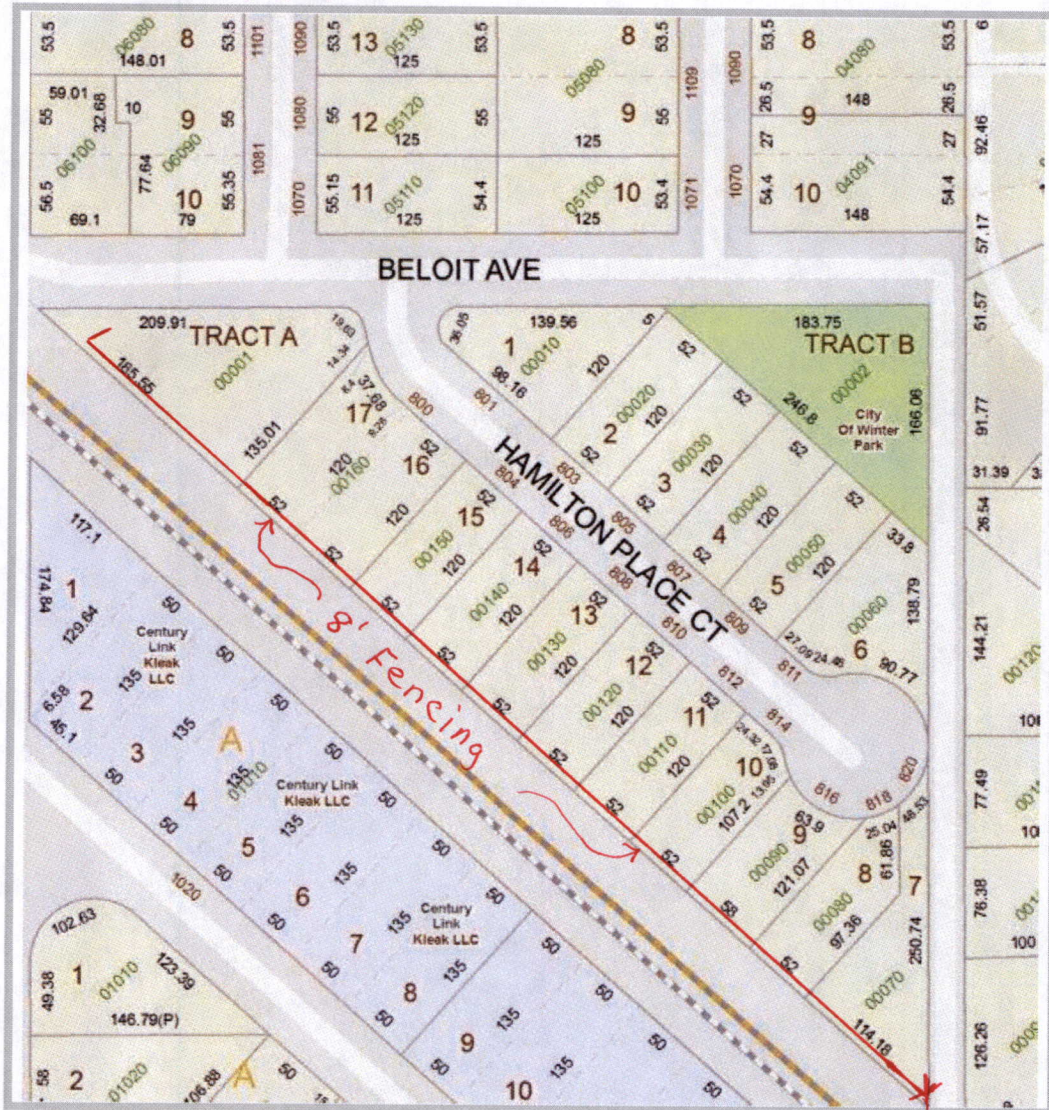
Address **North Denning Drive**

Address is approximate





OCA Property Map



Parcel ID: 302206210604040 (Ring-Town-Sec format)

This map is for reference only and is not a survey.

0 50 ft

Created on 6/15/2012, Copyright 2007, Orange County Property Appraiser.

train car car car car

8 ft Vinyl Commercial Walnut + wood fence.
 Existing 5 ft wood fence

Aluminum fence

- 815
- 418
- h15
- 218
- 810
- 808
- 908
- 808
- 208
- 508

We want to relocate on existing SSA fence to complete the wall off the railroad track. We only want to replace existing wall along the tracks with a commercial grade SSA wall to horse and for safety. Thank you!!!

Existing brick wall



Existing brick wall

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FENCE & DECK
WHOLESALE



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Red Cedar Vinyl Fence! On Sale Now!

Beautiful! Red Cedar Wood Grain vinyl fence That will not fade! This is an amazing Wood Grain PVC Fence. Commercial Grade Heavy Duty Vinyl Fence perfect for Residential Fence or Commercial Fence Applications! Now you can have the beautiful look of Red Cedar, combined with the durability and long life of vinyl in one amazing vinyl fence product. Customers have long asked, "when will a vinyl fence be available that looks like real wood?" The answer is, "now!" This exclusive product you will only find here at A Vinyl Fence & Deck Wholesaler. Fast Shipping, full Installation support 24/7. Most orders of Red Cedar Wood Grain PVC Fencing is on the way to you within 5-7 days! Contact us today for a free no obligation quote!



Red Cedar Vinyl Without Lattice

Red Cedar Vinyl With Lattice

3' Tall x 96" Wide = **Sale \$21.95 Per Foot** Reg.

\$24.98
 4' Tall x 96" Wide = **Sale \$23.95 Per Foot** Reg.
 \$26.98
 5' Tall x 96" Wide = **Sale \$24.95 Per Foot** Reg.
 \$27.98
 6' Tall x 96" Wide = **Sale \$25.95 Per Foot** Reg.
 \$28.98

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4' Tall x 96" Wide = **Sale**
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\$27.95 Per Foot Reg.
 \$31.98
 6' Tall x 96" Wide = **Sale**
\$28.95 Per Foot Reg.
 \$32.98

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 Available

Matching Heavy Duty Red Cedar Wood Grain Vinyl Gates. Includes all Stainless Heavy Duty Hardware. Single Gates 3' Wide, 4' Wide, 5' Wide, 6' Wide and 8' Wide. Make a Double Gate by combining any 2 gates!



Click An Image From The Gallery Above Or Below To Enlarge



Technical Specifications



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	June 25, 2012
prepared by department division	Tim Maslow Public Works Engineering	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A final vote		

subject

Proposed Consolidation of Environmental Review and Keep Winter Park Beautiful boards

motion | recommendation

To combine the Environmental Review and Keep Winter Park Beautiful boards and create a Sustainability Advisory Board.

If this is approved by the Commission, staff will bring back a revision of the citizen board ordinance to make the change official.

Background

At the May 14 City Commission meeting, City Commission unanimously voted to provide the Environmental Review and Keep Winter Park Beautiful boards more time to talk about the proposed combining of the boards into a Sustainability Advisory Board. Since May 14, both boards have met to discuss combining the boards and have issued letters supporting the combining of the boards. On June 20, both boards will be meeting for a joint work session to discuss details of the combined board. These details include board name, number of members and duties. The purpose of this meeting is to present a joint agreement from both boards to City Commission at their June 25th City Commission meeting.

(Please see attached letters.)

alternatives | other considerations

Not combining the two boards.

fiscal impact

Reduction in Board expenses (\$1,500 per year)

long-term impact

Having one board dedicated to development of a sustainability action plan, working toward achieving the Green Local Government Platinum certification and other issues effecting

certification and overall sustainability of the city.

strategic objective

Quality Environment and Quality Government Services

1425 Berkshire Avenue
Winter Park, FL 32789
407.622.4886/ spategas@hortusoasis.com

May 23, 2012

Mayor and City Commissioners
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

RE: ERB and KWPB Board Consolidation

Dear Mayor and City Commissioners,

The Environmental Review Advisory Board met on May 17, 2012 and reached a consensus in support of board consolidation with one major caveat on board size.

We feel one board of sufficient size with dedicated members can achieve what the two boards typically have accomplished in fulfilling their individual missions:

- ERB - To be an advocate for a sustainable environment within Winter Park by informing, educating and advising the city, public and private organizations. It reviews, informs and advises the Mayor and City Commission on matters of citywide environmental concern.
- KWPB - The mission of Keep Winter Park Beautiful Advisory Board is to improve the quality and aesthetics of our environment in order to create a healthier, more beautiful place to live, work and play.

The one board should be comprised of 16 members plus one alternate (17) instead of the 20 plus two alternates (22) that the two boards together currently total. This should provide adequate manpower to take on the educational, fundraising, research, and advisory activities both boards would handle.

I suggest the new board be called the *Keep Winter Park Beautiful and Sustainable Advisory Board*. This would preserve the excellent branding that Keep Winter Park Beautiful has achieved and address the environmental and sustainability issues that the new board would tackle.

A motion in support of our consensus was not made at the meeting since we did not have the typical quorum. I will be travelling the day of your meeting and request that this letter represent our board's consensus. If you wish to discuss this in advance my cell phone is 407.579.9352.

Regards,

A handwritten signature in black ink, reading "Stephen G. Pategas". The signature is fluid and cursive, with the first name "Stephen" and last name "Pategas" clearly legible.

Stephen G. Pategas, RLA, ASLA
Chair-Environmental Review Board,
City of Winter Park

June 7, 2012

Mayor and City Commissioners
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Re: ERB and KWPB Board Consolidation

Dear Mayor and City Commissioners,

The Keep Winter Park Beautiful Board met on Thursday, May 31st in a special off-schedule meeting called to review the proposed consolidation of this board with the Environmental Review Board.

After a brief explanation by Tim Maslow (KWPB Executive Director and Sustainability Coordinator) of the reasons the City is seeking the consolidation, we reviewed the latest version of the proposal (dated 5/29) and Stephen Pategas' letter to you (dated 5/23). Subsequent to a discussion, the board members submit the following recommendation.

To support the City Commissions objectives to more effectively and efficiently engage the citizens of Winter Park in the process of governance, we support the proposed consolidation of the Keep Winter Park Beautiful Board and the Environmental Review Board. In addition, we agree that the mission for the consolidated board should include the City's Resolution to "Pursue Measures to Become a Florida Green Local Government" (*if there is a title for the Platinum requirements I suggest we use that instead here*).

We further propose that the new board simply retain the name, Keep Winter Park Beautiful Advisory Board and utilize the recently developed new logo suite (see attached) to announce the move forward with an enhanced mission.

To accomplish these goals, we propose that the board be comprised of fourteen (14) members plus one (1) alternate and, that this new board begin meeting immediately to;

1. Vote on 2012-2013 officers
2. Update the mission statement
3. Update the by-laws and,
4. Develop a formal, documented plan to announce the changes

Citizen involvement in the governance of the City of Winter Park is only one of the many differentiators that make this city so unique. In the spirit of cooperation and inclusion, we look forward to working closely with the City Commission to achieve the City's vision to "Be the best place to live, work and play in Florida for today's resident and future generations".

Respectfully,

All members of the Keep Winter Park Beautiful Board

Attachment: Current Mission Statement/Objectives for both boards and Platinum goal.



city commission agenda item

item type	Action Items Requiring Discussion	meeting date	June 25, 2012
prepared by department division	City Manager	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

subject

Naming opportunities to honor the memory and accomplishments of Dr. Martin Luther King, Jr.

motion | recommendation

Choose an appropriate naming opportunity honoring the memory and accomplishments of Dr. Martin Luther King, Jr., from the following choices:

- Lake Island Park
- or
- Shady Park

background

On June 11, the MLK Task Force presented its recommendations for the City Commission to consider renaming in honor of Dr. Martin Luther King, Jr.

After much discussion and public input, the City Commission narrowed down the options to two city parks: Lake Island Park or Shady Park. The City Commission asked staff to conduct a public process giving the public an opportunity to share their input on which park they preferred.

The public was invited to participate in this process as outlined below from Tuesday, June 12 through Monday, June 18 at 5 p.m.:

1. Email ParkTalk@cityofwinterpark.org
2. Pick up and submit a survey at:
 - Winter Park City Hall West Wing Lobby (401 South Park Ave.)
 - Winter Park Community Center (721 West New England Ave.)
 - Winter Park Public Library (460 East New England Ave.)
 - Winter Park Welcome Center (151 West Lyman Ave.)

The results of this public input process were as follows:

Method	Lake Island	Shady Park	Neither*
Email	10	38	35
Survey	265	119	3
TOTAL	275	157	38

* Although "neither" was not included as a survey choice, this category was written in by some participants.

fiscal impact

Costs of signage

long-term impact

City honors the memory and accomplishments of one of the world's most influential civil rights leaders.

strategic objective

- n/a



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	June 25, 2012
prepared by department division	Cindy Bonham City Clerk	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A final vote		

subject

Discussion of potential policy that governs City Commission written communication.

motion | recommendation

Commission decision whether or not to implement a policy.

background

At the April 23, 2012 and May 14, 2012 meetings, there was a discussion regarding the issue of individual Commissioners sending out written communication in mass mailings. At the direction of the City Commission, the City Clerk asked the entire Central East District to provide her with a policy they may have. There were no policies in place in other cities that were provided to the City Clerk.

Staff has written a policy for consideration (attached) that they believe took into account the concerns and suggestions of the City Commission from the May 14 meeting.

alternatives | other considerations

Make changes or add language to the attached policy.

fiscal impact

N/A

strategic objective

N/A

City of Winter Park Elected Official Mass Communication Policy

Below is the policy that sets forth guidelines for Mass Communications from elected officials. (Note: This policy does not apply to campaign materials that contain the appropriate campaign disclosures.)

For the purpose of this policy “Mass Communications” is defined as any written or electronic communication from an elected official about city business that is sent to 10 or more recipients or sent to less than 10 recipients with the intent or reasonable expectation that it will be forwarded to more than 10 recipients.

Policy

1. The elected official may use his or her city provided email account for Mass Communications.
2. The author of the Mass Communication should strive to adhere to the city’s Civility Code.
3. Any Mass Communication shall include a disclaimer saying the individual elected official is writing on his or her own behalf, from his or her own perspective, and is not speaking for or representing the City Commission as a whole.
4. If the Mass Communication (excluding the disclaimer) is more than 300 words, the disclaimer must be in the top half of the first page of the communication. Otherwise the disclaimer can be stated at the end.
5. The disclaimer must be in the same font style as the main text and no smaller than three font sizes below that of the main text.
6. The Mass Communication should inform the reader that written communication to and from the city are a public record and must be provided to the public or the media upon request.

7. The Mass Communication should instruct the recipient as to how they can opt out of receiving future unsolicited communications from that elected official.
8. The Mass Communication should not be sent to other members of the City Commission.
9. The Mass Communication should caution recipients that forwarding said communication to another member of the City Commission could create a violation of the Florida Sunshine Law.

Suggested Disclaimer (at three font sizes smaller for perspective):

The opinions expressed herein are my own and not that of any other member of the Winter Park City Commission or that of the City Commission as a whole. Florida has a very broad public records law (F.S. 119). All emails (including your email address), letters or other written communications to and from elected officials or city staff are a public record and must be provided to the public or media upon request. Please note that forwarding this communication to another member of the City Commission could create a violation of the Government in the Sunshine Law which governs communications between elected officials outside of publicly noticed meetings.

To opt out of future unsolicited communications from me please (INSERT INSTRUCTIONS HERE).



city commission public hearing

item type	Public Hearing	meeting date	June 25, 2012
prepared by department division	Don Marcotte Public Works	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N A
board approval		<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N A	final vote

subject

Ordinance – Second Reading

Request to vacate a 3 foot electric utility distribution easement located at 1302 W. Fairbanks.

motion | recommendation

Approve request to vacate.

summary

The McDonalds's Corporation is requesting to vacate the easement to construct a new McDonalds Restaurant with drive through.

Staff has reviewed this request and letters of no objection have been received from the local utility companies as well as the City's water, wastewater, electric, and stormwater utilities.

board comments

N/A

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1302 W. FAIRBANKS, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED by the People of the City of Winter Park, Florida as follows:

Section 1. The City Commission of the City of Winter Park, Florida hereby vacates and abandons that certain utility easement located at 1302 W. Fairbanks Avenue

THE NORTH 3 FEET OF LOT 42, AND THE SOUTH 3 FEET OF LOTS 16 & 17, OF BEVERLY PARK KILLARNEY ESTATES ANNEX, A SUBDIVISION IN THE NE1/4 OF SECTION 12, TOWNSHIP 22 SOUTH, RANGE 29 EAST, AS RECORDED IN PLAT BOOK "K", PAGE 45, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND HEREIN REFERRED TO AS EASEMENT AREA. THE EASEMENT AREA SHALL EXTEND 3 FEET NORTH AND 3 FEET SOUTH OF THE CENTER LINE OF POWER LINE.

MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

Section 2. The legal description is in reliance on the Official Records Book 1453. Pages 717 & 718. The City Manager is authorized to execute such curative documents and to record the same as may be necessary to conform the vacation to the accurate legal description of the easement being vacated.

Section 3. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect immediately upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the _____ day of _____, 2012.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham, MMC



500 West Fulton Street
Sanford, Florida 32771

P.O. Box 2808
Sanford, Florida 32772-2808

Phone: 407.322.6841
Fax: 407.330.0639

www.cphengineers.com

May 17, 2012

Don Marcotte
City Engineer
City of Winter Park
401 Park Ave South
Winter Park, FL 32789
(407) 599-3217

**RE: Proposed McDonald's Hollienna/Winter Park
Utility Easement Vacate Request Letter
Located at 1302 W. Fairbanks Ave (SR 424A)
City of Winter Park, Florida
CPH Project No. M29542**

Mr. Marcotte:

On behalf of McDonald's Corporation, we are formally requesting that the 3 foot electric utility distribution easement be vacated. We are requesting to vacate the easement in order to construct a new McDonald's Restaurant with Drive Thru (±4,319 S.F.) and the required site infrastructure to serve it. Please refer to the enclosed survey and utility plan showing the existing easements to be vacated.

Please feel free to contact us at 407-322-6841 if additional information is needed for your review process.

Sincerely,
CPH ENGINEERS, INC.

Jason Bullard, P.E., MBA
JBullard@cphengineers.com

cc: file

May 14, 2012

Suellen Sanders
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Dear Suellen:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed tax map. The site is located at 1302 W. Fairbanks Ave (SR 424A) in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at JBullard@cphengineers.com or at the address listed below. If you have any questions, please contact Jason Bullard.

Sincerely

Jason Bullard PE, MBA
500 West Fulton Street
Sanford, FL 32771

_____ The subject parcel is not within our service area.
☒ _____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.
_____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: _____

Print Name: David Zusi

Title: Director of Water and Wastewater

Date: May 14, 2012

May 14, 2012

Terry Hotard
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789

Dear Terry:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed tax map. The site is located at 1302 W. Fairbanks Ave (SR 424A) in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at JBullard@cphengineers.com or at the address listed below. If you have any questions, please contact Jason Bullard.

Sincerely

Jason Bullard PE, MBA
500 West Fulton Street
Sanford, FL 32771

-
- _____ The subject parcel is not within our service area.
- X _____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.
- _____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: _____

Print Name: _____

Title: _____

Date: _____

May 14, 2012

Bruce A. Stout
TECO/Peoples Gas
600 West Robinson
P.O. Box 2433
3767 All American Blvd.
Orlando, FL 32802

Dear Bruce:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed tax map. The site is located at 1302 W. Fairbanks Ave (SR 424A) in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at JBullard@cphengineers.com or at the address listed below. If you have any questions, please contact Jason Bullard.

Sincerely

Jason Bullard PE, MBA
500 West Fulton Street
Sanford, FL 32771

_____ The subject parcel is not within our service area.
X_____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.
_____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: Bruce A. Stout
Print Name: Bruce A. Stout
Title: Eng. Project Manager
Date: 5-14-2012

May 14, 2012

Lori L. Herring
Progress Energy Florida Inc.
3300 Exchange Place
Lake Mary, FL 32746

Dear Lori:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed tax map. The site is located at 1302 W. Fairbanks Ave (SR 424A) in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at JBullard@cphengineers.com or at the address listed below. If you have any questions, please contact Jason Bullard.

Sincerely

Jason Bullard PE, MBA
500 West Fulton Street
Sanford, FL 32771

- ☒ The subject parcel is not within our service area.
- ☐ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.
- ☐ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: Lori L. Herring
Print Name: Lori L. Herring
Title: Land Agent
Date: 5-17-12

May 14, 2012

Marvin Usry
Bright House Networks Inc
3767 All American Blvd.
Orlando, FL 32810

Dear Marvin Usry:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed tax map. The site is located at 1302 W. Fairbanks Ave (SR 424A) in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at JBullard@cphengineers.com or at the address listed below. If you have any questions, please contact Jason Bullard.

Sincerely

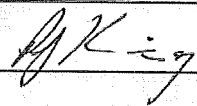
Jason Bullard PE, MBA
500 West Fulton Street
Sanford, FL 32771

_____ The subject parcel is not within our service area.

✓ _____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

_____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: 

Print Name: P.J. KING

12, 22, 29

Title: SR. CONST. MGR. / BRIGHT HOUSE NETWORKS

Date: 5-15-12



May 14, 2012

Candy Crim
Century Link
952 First St.
Altamonte Springs, FL 32701

Dear Candy:

I am in the process of requesting the City of Winter Park vacate an easement as shown on the copy of the enclosed tax map. The site is located at 1302 W. Fairbanks Ave (SR 424A) in Winter Park. In order to have this action heard, I must provide letters of no objection from utility companies serving the neighborhood.

Please review your records, complete the form, below, and return this letter to me at JBullard@cphengineers.com or at the address listed below. If you have any questions, please contact Jason Bullard.

Sincerely

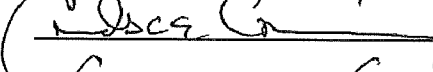
Jason Bullard PE, MBA
500 West Fulton Street
Sanford, FL 32771

_____ The subject parcel is not within our service area.

_____ **X** _____ The subject parcel is within our service area. We do not have any facilities within the easement/right of way. We have no objection to the vacation.

_____ The subject parcel is within our service area. We object to the vacation.

Additional comments: _____

Signature: 
Print Name: CANDACE CRIM
Title: OSP ENGINEER II
Date: 5/18/2012

19640 RECORDED JUN 24 10 55 AM 1965 OR 1453 PG 717

WP req 374

NE 12-22-29

1 of spec

106F7-

WP#

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to FLORIDA POWER CORPORATION, its successors and assigns, the right, privilege and easement to construct, reconstruct, operate and maintain for such period of time as it may use the same or until the use thereof is abandoned, a single pole line, for the transmission and distribution of electricity, including necessary communication and other wires, poles, guys, anchors, ground connections, attachments, fixtures, equipment and accessories desirable in connection therewith over, upon and across the following described land in... ORANGE

County, State of Florida, to wit:.....

..... 1/4 North 3/4 East of Lot 12 of SEVERLY PARK, KILLBERRY ESTATES ANNEX,
..... A subdivision in the NE 1/4 of Section 12, Township 22 South, Range 29,
..... East as the same is recorded in plat book 'K' page 15 of the Public
..... Records of Orange County, and herein referred to as easement area.



The Easement Area shall extend..... 3..... feet..... south..... of the center line of power line.

GRANTEE shall have the right to patrol, inspect, alter, improve, repair, rebuild or remove such lines, equipment and accessories, including the right to increase or decrease the number of wires and voltage, together with all rights and privileges reasonably necessary or convenient for the enjoyment or use thereof for the purposes above described. GRANTEE shall also have the right to trim, cut and keep clear trees, limbs and undergrowth along said line, and trees adjacent thereto, that may endanger the proper operation of the same. GRANTORS further grant the reasonable right to enter upon adjoining lands of the GRANTORS for the purpose of exercising the rights herein granted.

GRANTORS hereby agree that no buildings or structures, other than fences, shall be constructed or located within said Easement Area. However, GRANTORS reserve the right to use said Easement Area for any other purpose which will not unreasonably interfere with the safe and proper construction, installation, operation, maintenance, alteration, repair or removal of said facilities of GRANTEE.

GRANTORS covenant that they have the right to convey the said easement and that the GRANTEE, its successors and assigns shall have quiet and peaceful possession, use and enjoyment of said easement.

All covenants, terms, provisions and conditions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors or assigns.

IN WITNESS WHEREOF, the GRANTORS have hereunto affixed their hands and seals this... 25th... day of..... July....., A.D. 1963....

Signed, sealed and delivered
in presence of

Eugene B. Taylor.....
.....
.....
.....

M. J. Andary..... (L.S.)
Sarah S. Andary..... (L.S.)
..... (L.S.)
..... (L.S.)

STATE OF FLORIDA
COUNTY OF..... ORANGE..... ss.

I HEREBY CERTIFY that on this... 25th... day of..... July....., A.D. 1963., before me the undersigned authority, personally appeared *M. J. Andary and Sarah S. Andary, his wife*.....

to me known to be the persons described in and who executed the foregoing instrument and have acknowledged before me that they... executed the same.

WITNESS my signature and official seal in said County and State, the day and year last aforesaid.

Eugene B. Taylor
Notary Public, State of Florida at Large
My Commission Expires July 15, 1967

Eugene B. Taylor
Notary Public

RECORDED & RECORD VERIFIED *John W. Hendrix* Clerk of Circuit Court, Orange Co. Fla.

"COPY OF ORIGINAL RECEIVED IN THIS OFFICE AS IS"

MICROFILM DEPT.

19641 RECORDED JUL 24 10 35 AM 1965 718

KNOW ALL MEN BY THESE PRESENTS, That the undersigned, in consideration of the sum of One Dollar and other valuable considerations, the receipt of which is hereby acknowledged, grant and convey to FLORIDA POWER CORPORATION, its successors and assigns, the right, privilege and easement to construct, reconstruct, operate and maintain for such period of time as it may use the same or until the use thereof is abandoned, a single pole line, for the transmission and distribution of electricity, including necessary communication and other wires, poles, guys, anchors, ground connections, attachments, fixtures, equipment and accessories desirable in connection therewith over, upon and across the following described land in... ORANGE

County, State of Florida, to wit:.....

.....The South 3 feet of Lots 16 & 17 of BEVERLY PARK, KILLARNEY ESTATES
ANNEX, a subdivision in the NE 1/4 of Section 12, Township 22 South,
Range 29 East as the same is recorded in plat book 'K' page 45 of the
Public Records of Orange County and herein referred to as easement area.



The Easement Area shall extend.....3.....feet north of the center line of power line.

GRANTEE shall have the right to patrol, inspect, alter, improve, repair, rebuild or remove such lines, equipment and accessories, including the right to increase or decrease the number of wires and voltage, together with all rights and privileges reasonably necessary or convenient for the enjoyment or use thereof for the purposes above described. GRANTEE shall also have the right to trim, cut and keep clear trees, limbs and undergrowth along said line, and trees adjacent thereto, that may endanger the proper operation of the same. GRANTORS further grant the reasonable right to enter upon adjoining lands of the GRANTORS for the purpose of exercising the rights herein granted.

GRANTORS hereby agree that no buildings or structures, other than fences, shall be constructed or located within said Easement Area. However, GRANTORS reserve the right to use said Easement Area for any other purpose which will not unreasonably interfere with the safe and proper construction, installation, operation, maintenance, alteration, repair or removal of said facilities of GRANTEE.

GRANTORS covenant that they have the right to convey the said easement and that the GRANTEE, its successors and assigns shall have quiet and peaceful possession, use and enjoyment of said easement.

All covenants, terms, provisions and conditions hereof shall inure to the benefit of and be binding upon the parties hereto and their respective heirs, successors or assigns.

IN WITNESS WHEREOF, the GRANTORS have hereunto affixed their hands and seals this...22nd... day of.....July....., A.D. 1963...

Signed, sealed and delivered
in presence of:

Eugene B. Taylor
.....
.....
.....

Floyd H. Vincent (L.S.)
Margaret E. Vincent (L.S.)
Thomas A. Moore (L.S.)
Mary A. Moore (L.S.)

STATE OF FLORIDA

COUNTY OF.....ORANGE..... ss.

I HEREBY CERTIFY that on this.....22nd day of.....July....., A.D. 1963... before me the undersigned authority, personally appeared...Floyd H. Vincent and Margaret E. Vincent, his wife... Thomas A. Moore and Mary A. Moore, his wife.....
to me known to be the persons described in and who executed the foregoing instrument and have acknowledged before me that...the... executed the same.

WITNESS my signature and official seal in said County and State, the day and year last aforesaid.

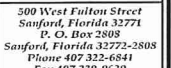
Public, State of Florida at Large
Commission Expires July 15, 1957

Eugene B. Taylor
Notary Public

RECORDED & RECORD VERIFIED *Arthur W. Howell* Clerk of Circuit Court, Orange Co. Fla.

"COPY OF ORIGINAL RECEIVED IN THIS OFFICE AS IS"

MI CROFILM DEPT.



Eng. C.O.A. No. 3215
Survey L.B. No. 7143
Arch. Lic. No. AA2600926
Landscp. Lic. No. LC0000298
© 2012

Crew Chief:	EHIKS						JAB
Drawn by:	JTF/JAB						JTF
Checked by:	RJR						PJK
Approved by:	PUR						
Scale:	1"=20'				1/8/12		
Date of Field Survey:	1/13/12				10/12/11		
Job No.:	M29542				1/6/11		
File:	M29542_SCANNER.DWG	No.	Date	Revision	By		

McDonald's
L/C 009-2469
GENE STREET & WEST FAIRBANKS
CITY OF WINTER PARK
SECTION 24-TOWNSHIP 21 SOUTH-RANGE 30 EAST
GRANGE COUNTY, FLORIDA

2 of 2



C3A

cph
300 West Fulton Street
Sanford, Florida 32771
P.O. Box 2809
Sanford, Florida 32772-2809
Phone 407.332.6841
Fax 407.330.0639

Engineers
Surveyors
Architects
Planners
Landscape Architects
Environmental Scientists
Construction Management
Traffic/Transportation

Eng. C.O.A. No. 3215
Survey L.P. No. 7143
Arch. L.P. No. A-26099306
Landscape L.P. No. LC000298
© 2012

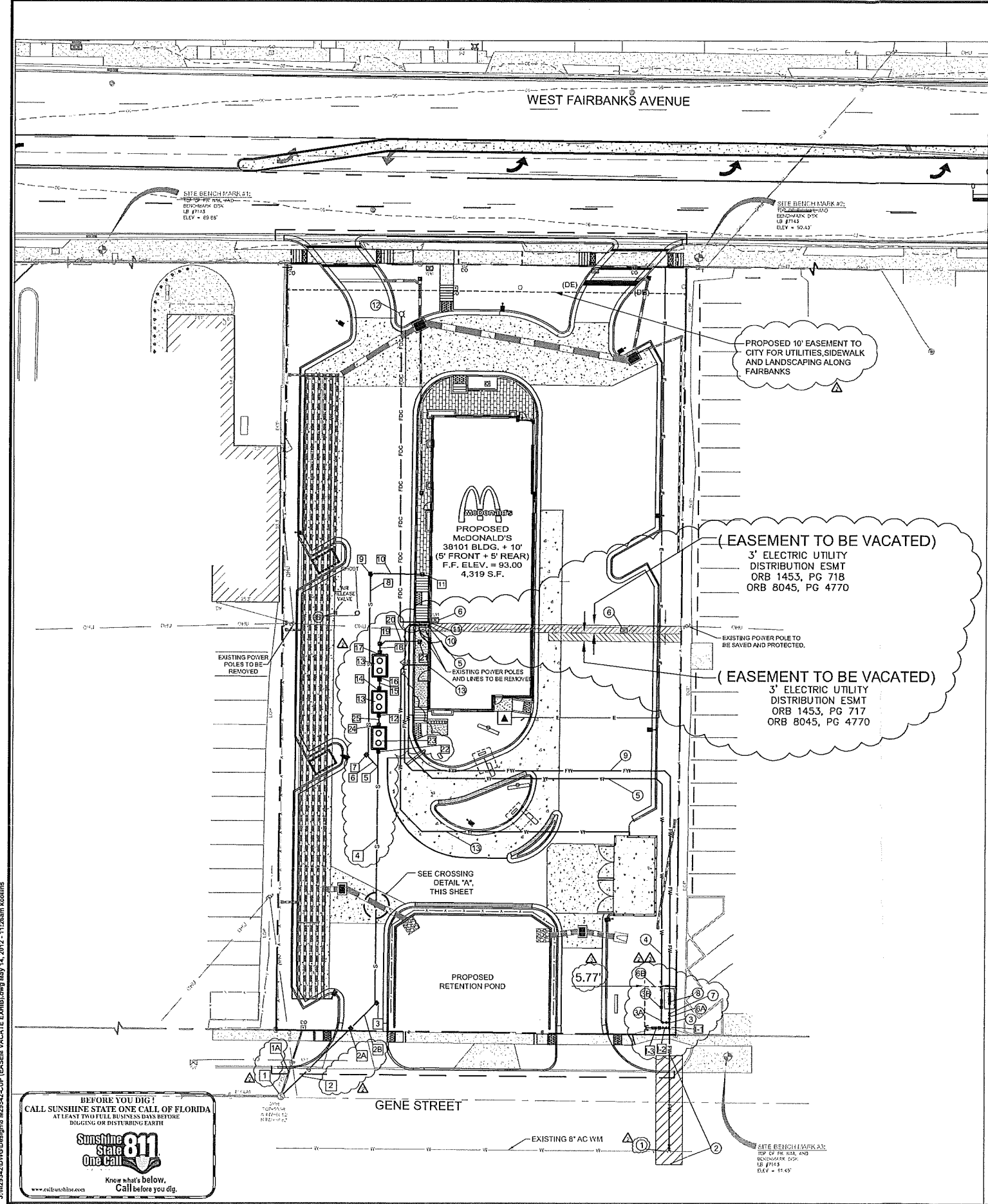
JUSTIN T. POLK, P.E.
6110

By	Revision	Date	Comments
JTP			city utility comments
JTP			city/sjwmd/fdot comments
JTP			light fixtures & sjwmd comments

COMPOSITE UTILITY PLAN

McDonald's
FAIRBANKS - HOLLIENNA
WINTER PARK / FLORIDA

Sheet No. **C-8**



- ### POTABLE WATER SCHEDULE
- 1. CONNECT TO EXISTING 8" ASBESTOS CONCRETE WATER LINE WITH AN 8" x 6" TAPPING SLEEVE AND VALVE. AFTER DISINFECTION, TESTING AND CITY APPROVAL.
 - 2. PROPOSED JACK AND BORE PER CITY WINTER PARK REQUIREMENTS TO INSTALL 6" PVC WATER LINE.
 - 3. 2" CORPORATION STOP MODEL # 1341-77W.
 - 3A. PROPOSED 2" BALL VALVE MODEL # 13477 W/ ARCH BOX.
 - 3B. PROPOSED 2" METER AND REDUCED PRESSURE ZONE BACK FLOW PREVENTER ASSEMBLY, PER CITY OF WINTER PARK REQUIREMENTS. (5 FT EASEMENT PROPOSED AROUND METER).
 - 4. PROPOSED 2" POLYETHYLENE WATER LINE.
 - 5. 2" POLYETHYLENE WATER SERVICE TO CONNECT TO BUILDING (REFER TO ARCHITECT PLANS).
 - 6. EXISTING WATER METER SPOTS/AIR RELEASE VALVES AND ANY APPURTENANCE ITEMS INCLUDING BUT NOT LIMITED TO WATER/SEWER LINES/VALVES SHALL BE DEMOLISHED AND REMOVED. CONTRACTOR SHALL FIELD LOCATE AND DETERMINE OPERATIONAL STATUS OF UNDERGROUND WATER LINES PRIOR TO CONSTRUCTION. ENGINEER OF RECORD SHALL BE NOTIFIED IMMEDIATELY IF ANY WATERLINES ARE DETERMINED TO BE OPERATIONAL.
 - 6A. PROPOSED 6" GATE VALVE, (RED TOP VALVE BOX THAT DENOTES FIRE) (CITY POS FOR FIRE LINE).
 - 6B. PROPOSED EASEMENT TO CITY AROUND WATER METER MINIMUM 5' CLEAR ON ALL SIDES OF METER.
 - 7. PROPOSED 8" x 4" REDUCER.
 - 8. PROPOSED 4" FIRE LINE DOUBLE CHECK DETECTOR ASSEMBLY PER CITY APPROVED DEVICE.
 - 9. PROPOSED 4" PVC C90 DR-14 FIRE LINE.
 - 10. PROPOSED 4" PVC C90 DR-14 FIRE LINE TO CONNECT TO BUILDING (REFER TO ARCHITECT PLANS).
 - 11. PROPOSED 2" PVC C90 DR-14 FIRE SERVICE WATER MAIN TO CONNECT TO BUILDING (REFER TO ARCHITECT PLANS).
 - 12. PROPOSED FIRE DEPARTMENT CONNECTION, PER CITY OF WINTER PARK REQUIREMENTS.
 - 13. PROPOSED 1/2" POLYETHYLENE WATER LINE TO TERMINATE WITH HOSE BIBB.

- ### SANITARY SEWER LINE SCHEDULE
- 1. CORE BORE AND INSTALL 6" PVC PIPE @ INV. 86.70. USE KOR N SEAL LINK SEAL OR APPROVED EQUAL FOR 100% CONNECTION. SEAL TO ENSURE WATERTIGHT CONNECTION. CONTRACTOR TO FIELD VERIFY.
 - 1A. EXISTING 8" CLAY PIPE @ INV. 86.52+ SHALL BE ABANDONED COMPLETELY AND EXISTING INV SHALL BE GROUTED AND REWORKED PER CITY OF WINTER PARK'S SPECIFICATIONS.
 - 2. 35 LF - 6" PVC @ 1.03%.
 - 2A. CLEAN OUT INV=87.05.
 - 2B. 13 LF - 6" PVC @ 1.03%.
 - 3. 8" WYE W/ CLEAN OUT INV=87.19.
 - 4. 96 LF - 6" PVC @ 1%.
 - 5. 6" WYE INV=88.08.
 - 6. 6 LF - 6" PVC @ 1.03%.
 - 7. 6" WYE W/ CLEAN OUT INV=88.31.
 - 8. 53 LF - 6" PVC @ 1%.
 - 9. 8" WYE W/ CLEAN OUT INV=88.81.
 - 10. 20 LF - 6" PVC @ 1%.
 - 11. 6" CLEAN-OUT INV=89.04 (LOCATED 3' OUTSIDE OF BUILDING. REFER TO ARCHITECTURE PLANS FOR CONTINUATION).
 - 12. 2 WAY CLEANOUT INV=88.43 GREASE TRAP OUTLET.
 - 13. PROPOSED 1200 GALLON GREASE TRAP (SEE ARCHITECTURAL PLANS FOR SIZING).
 - 14. 2 WAY CLEANOUT INV=88.70 GREASE TRAP INLET.
 - 15. 5 LF - 6" PVC @ 1%.
 - 16. 2 WAY CLEANOUT INV=88.75 GREASE TRAP OUTLET.
 - 17. 2 WAY CLEANOUT INV=89.00 GREASE TRAP INLET.
 - 18. 3 LF - 6" PVC @ 1%.
 - 19. 6" WYE W/ CLEAN OUT @ INV=89.03.
 - 20. 15 LF - 6" PVC @ 1%.
 - 21. 6" CLEAN-OUT INV=89.18 (LOCATED 4' OUTSIDE OF BUILDING. REFER TO ARCHITECTURE PLANS FOR CONTINUATION).
 - 22. 2 WAY CLEANOUT INV=88.15 GREASE TRAP OUTLET.
 - 23. PROPOSED 1200 GALLON GREASE TRAP (SEE ARCHITECTURAL PLANS FOR SIZING).
 - 24. 2 WAY CLEANOUT INV=88.40 GREASE TRAP INLET.
 - 25. 5 LF - 6" PVC @ 1%.

- ### IRRIGATION WATER SCHEDULE
- I-1. 2" CORPORATION STOP MODEL # 1341-77W.
 - I-2. PROPOSED 2" BALL VALVE MODEL # 13477 W/ ARCH BOX.
 - I-3. PROPOSED 1.5" IRRIGATION METER AND REDUCED PRESSURE ZONE BACK FLOW PREVENTER ASSEMBLY, PER CITY OF WINTER PARK REQUIREMENTS. (LOCATE METER WITHIN PROPOSED EASEMENT).

- ### GENERAL UTILITY NOTES
- SEE COVER SHEET FOR A LIST OF UTILITY COMPANIES.
 - GENERAL CONTRACTOR IS TO COORDINATE WITH APPROPRIATE UTILITY COMPANIES PRIOR TO CONSTRUCTION. ADJUSTMENT OR RELOCATION OF EXISTING UTILITIES AS DESIGNATED ON PLANS.
 - THE CONTRACTOR SHALL NOTIFY THE UTILITY AUTHORITY INSPECTORS 72 HOURS BEFORE CONNECTING TO ANY EXISTING LINE.
 - DRAWINGS DO NOT PURPORT TO SHOW ALL EXISTING UTILITIES. EXISTING UTILITIES SHALL BE VERIFIED BY THE CONTRACTOR PRIOR TO NEW UTILITY LINES BEING INSTALLED.
 - THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
 - CONTRACTOR IS RESPONSIBLE FOR REPAIRS OF DAMAGE TO ANY EXISTING UTILITY DURING CONSTRUCTION AT NO COST TO THE OWNER.
 - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS AND SPECIFICATIONS FOR ACTUAL LOCATION OF ALL UTILITY ENTRANCES TO INCLUDE SANITARY SEWER LATERALS, DOMESTIC AND FIRE PROTECTION WATER SERVICE, ELECTRICAL, TELEPHONE AND GAS SERVICE. CONTRACTOR SHALL COORDINATE INSTALLATION OF UTILITIES, IN SUCH A MANNER AS TO AVOID CONFLICT AND ASSURE PROPER DEPTHS ARE ACHIEVED AS WELL AS COORDINATING WITH UTILITY REQUIREMENTS AS TO LOCATION AND SCHEDULING FOR THE-INS CONNECTIONS PRIOR TO CONNECTING TO EXISTING UTILITIES.
 - THE TOP ELEVATION OF MANHOLES CONSTRUCTED IN GRASSED AREAS SHALL BE 4" ABOVE FINISHED GRADE UNLESS NOTED OTHERWISE.
 - ALL MANHOLES CONSTRUCTED WITHIN PAVED AREAS SHALL BE INSTALLED WITH TRAFFIC BEARING RINGS AND COVERS.
 - ALL CLEAN-OUTS WITHIN THE PAVEMENT AREA SHALL BE INSTALLED WITH TRAFFIC BEARING PARTS AS APPLICABLE.
 - CONTRACTOR SHALL GROUT AROUND ALL PIPE ENTRANCES TO SANITARY SEWER MANHOLES WITH NON-SHRINKING GROUT TO ASSURE CONNECTION IS WATER TIGHT.
 - ALL CONCRETE FOR EASEMENT SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 P.S.I. AT 28 DAYS.
 - CONTRACTOR SHALL PROVIDE ALL APPURTENANCES SUCH AS CHECK VALVES, BACKFLOW PREVENTERS, ETC. AS REQUIRED BY GOVERNING AUTHORITIES.
 - ALL WATER, FORCE MAIN AND SANITARY SEWER LINES SHALL HAVE A MINIMUM OF 3' OF COVER. PE WATER SERVICE MAY BE REDUCED TO 2' WHEN NECESSARY.
 - CONTRACTOR SHALL COORDINATE INSPECTION ON ALL UTILITIES, WITH APPROPRIATE AUTHORITIES PRIOR TO COVERING TRENCHES DURING INSTALLATION.
 - CONSTRUCTION SHALL COMPLY WITH ALL GOVERNING CODES AND REQUIREMENTS.
 - THE CONTRACTOR SHALL CONDUCT ALL REQUIRED TESTS TO THE SATISFACTION OF THE RESPECTIVE UTILITY COMPANIES AND THE OWNER'S INSPECTING AUTHORITIES.
 - ALL NECESSARY INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY SERVICE COMPANIES SHALL BE PROVIDED PRIOR TO ANNOUNCED BUILDING POSSESSION AND THE FINAL CONNECTION OF SERVICES.
 - CONTRACTOR SHALL COMPLY TO THE FULLEST EXTENT WITH THE LATEST STANDARDS OF OSHA DIRECTIVES OR ANY OTHER AGENCY HAVING JURISDICTION FOR EXCAVATION AND TRENCHING PROCEDURES. THE CONTRACTOR SHALL USE SUPPORT SYSTEMS, SLOPING, BENCHING AND OTHER MEANS OF PROTECTION. THIS TO INCLUDE BUT NOT BE LIMITED, FOR ACCESS AND EGRESS FROM ALL EXCAVATION AND TRENCHING. CONTRACTOR IS RESPONSIBLE TO COMPLY WITH PERFORMANCE CRITERIA FOR OSHA.
 - THE CONTRACTOR SHALL RECOGNIZE AND ABIDE BY ALL OSHA EXCAVATION SAFETY STANDARDS, INCLUDING THE FLORIDA TRENCH SAFETY ACT (90-96, LAWS OF FLORIDA). ANY MATERIAL, CONSTRUCTION METHODS, OR MATERIAL COST TO COMPLY WITH THESE LAWS SHALL BE INCIDENTAL TO THE CONTRACT.
 - ALL MATERIAL IS TO BE IN PLACE AND COMPACTED BEFORE INSTALLATION OF PROPOSED UTILITIES.
 - CONTRACTOR TO LOCATE LIGHT POLES AND FIXTURES AS INDICATED. CONTRACTOR TO BUILD NEW POLE BASE AND STUD CONDUIT AND WIRE AS NEEDED.
 - CONTRACTOR MUST STOP OPERATION AND NOTIFY THE OWNER FOR PROPER DIRECTION IF ANY ENVIRONMENTAL OR HEALTH RELATED CONTAMINATE IS ENCOUNTERED DURING EXCAVATION.
 - ALL WATER MAINS, FIRE WATER MAINS AND SERVICES SHALL BE TESTED, APPROVED AND DISINFECTED IN ACCORDANCE WITH UTILITY COMPANY REQUIREMENTS PRIOR TO CONNECTION TO MUNICIPAL SYSTEM.
 - THE MINIMUM HORIZONTAL SEPARATION BETWEEN THE CLOSEST TWO POINTS OF THE WATER AND SEWER LINE IS SIX (6) FEET, OR MINIMUM VERTICAL SEPARATION BETWEEN THE CLOSEST TWO POINTS OF THE WATER OVER SEWER LINE IS (5) INCHES.
 - CHAPTER 553.851 OF THE FLORIDA STATUTES REQUIRES THAT AN EXCAVATOR NOTIFY ALL GAS UTILITIES A MINIMUM OF TWO (2) WORKING DAYS PRIOR TO EXCAVATING.
 - CONTRACTOR TO COORDINATE UTILITY POLE REMOVAL, RELOCATE WITH UTILITY COMPANY.
 - THE CONTRACTOR SHALL NOTIFY THE APPROPRIATE UTILITY PROVIDERS 48 HOURS PRIOR TO ANY UTILITIES CONSTRUCTION.
 - CONTRACTOR TO FIELD VERIFY ACTUAL DEPTH AND LOCATION OF EXISTING WATER MAIN PRIOR TO ANY CONSTRUCTION ACTIVITY. IT HAS NOT BEEN LOCATED OR VERIFIED BY THE SURVEY.

- ### UTILITY LEGEND
- W - PROPOSED WATER LINE
 - S - PROPOSED SEWER
 - E - PROPOSED ELECTRIC SERVICE
- ### SURVEY LEGEND
- U - UNKNOWN UTILITY PEDESTAL
 - F - FIRE HYDRANT
 - P - PHONE PEDESTAL
 - PC - PHONE CANISTER ON POST
 - EP - EXISTING UTILITY POLE

PROPERTY APPRAISER ID NUMBER: 31-21-31-520-0000-0030

SEMINOLE COUNTY
APPROVED FOR CONSTRUCTION

THIS APPROVAL IS SUBJECT TO SPECIFIC CONFORMANCE TO THE SEMINOLE COUNTY LAND DEVELOPMENT CODE AND ANY SPECIAL REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS. IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO CORRECT ANY DEFECTS IN THE PLANS OR THE FACILITY AS CONSTRUCTED WHICH RESULTS IN A FAILURE TO MEET APPLICABLE CODE REQUIREMENTS. ADMINISTRATIVE ACCEPTANCE OF THE DEVELOPER'S PLANS DOES NOT CONSTITUTE A WAIVER OF ANY CODE REQUIREMENTS NOR DOES IT RELIEVE THE DEVELOPER OF RESPONSIBILITY TO MEET THOSE REQUIREMENTS. THIS SPECIFIC APPROVAL IS VALID FOR A PERIOD OF ONE YEAR FROM THE DATE BELOW.

APPROVED,
SEMINOLE COUNTY DEVELOPMENT REVIEW DEPARTMENT

DATE

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J:\029542\DWG\029542-CUP (EASEM VACATE EXHIB).dwg May 14, 2012 11:26am kcollins



city commission public hearing

item type	Public Hearing	meeting date	June 25, 2012
prepared by department division	Jeff Briggs Planning Department	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	Planning and Zoning Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	5-2 final vote

Subject: Conditional Use for the redevelopment of 957 W. Fairbanks Avenue

This is a conditional use request from the contract purchasers of the property at 957 W. Fairbanks Avenues for two redevelopment options that both include a new branch bank facility with drive-in tellers and one option includes a building over 10,000 square feet in size. This is requested to be a 'complete' application with all the information provided for both the 'preliminary' and 'final' conditional use approvals.

Recommendation:

The Planning and Zoning Board voted 5-2 to approve the request subject to conditions:

1. That this conditional use approval is limited to use by Trustco Bank or other 'community' bank as agreed to by staff and any subsequent acquisition/merger with another financial institution shall require subsequent approval by the City for the drive-thru facilities to insure sufficient stacking room exists without impeding traffic flow within this parking lot.
2. That the staff will approve the "final" landscape plan and storm water system/design plans in accordance with code.
3. That credit is provided for the seven parking spaces being voluntarily removed to provide for mixed use tenancies.

Summary:

Site and Context: This property at 957 W. Fairbanks Avenue, zoned C-3, is on the north side about mid-block between Ward Avenue and Denning Drive. It backs up to the sinkhole (Lake Rose). On the east end is the Austin's Coffee shop building which will be unaffected by this project. The balance of the site holds a one story retail building of about 7,500 sq. ft. with tenants that include the Wine Warehouse, Hertz rent-a-car and a gold buying business. That entire building and the parking lot in the rear will be redeveloped for this project.

Project Plans: There two options for redevelopment of this property. In both scenarios there is no change to the current traffic access points onto Fairbanks Avenue. Both options anticipate a new rear traffic access point back to Comstock Avenue adjacent to the sinkhole.

Option #1 is for the existing one-story building to remain intact and improvements are made to the exterior facades to greatly enhance the street visual impression. A two lane drive-in teller is

constructed on the rear for the branch bank and the parking area is upgraded. Under this scenario the property will accommodate 2,000 sq. ft. for the bank and 5,500 sq. ft. for other commercial businesses.

Option #2 involves the demolition of the existing building and the construction of a new two-story 12,000 sq. ft. building along with the same two drive-in teller lanes and parking lot improvements. Under this scenario, the 12,000 sq. ft. building serves as a corporate headquarters for the bank.

Parking: In Option #1 there is 7,448 sq. ft. (total including Austin's) which requires 30 spaces and 51 spaces are provided. In Option #2 there is 13,170 sq. ft. (total including Austin's) which requires 53 spaces and 56 spaces are provided.

In both Options, the site plans propose to voluntarily remove the 7 existing parking spaces in the front of the building along the Fairbanks Avenue frontage to create a new pedestrian plaza with landscape planters. This will be a very attractive visual enhancement and the staff is very pleased to see this voluntary request. The applicant is asking for credit for those 7 spaces in the event that they want to put a tenant in the building that needs additional parking. Staff supports this variance.

Traffic Circulation and Stacking: The traffic impact and stacking needs for drive-in tellers vary greatly from 'national' banks to 'community' banks. This is a 'community bank' proposed at this location. In our previous surveys the analysis of the stacking requirements for a 'community' branch bank (based on actual counts on the peak day and time of Friday at the noon hour) are the need to stack up to four cars. For 'national' banks it is in the range of 12-14 cars. The proposed configuration with two teller lanes can handle 7-8 cars during that peak period which is more than adequate for a 'community' bank. The only concern staff has for approvals of 'community' banks is the potential acquisition and rebranding with a 'national' bank. That could significantly change the stacking and traffic demand on these tellers. As a result, the City has routinely, in the past, placed a condition of approval on 'community' bank drive-ins allowing for a re-review in those circumstances so that traffic stacking hazards are not created later via a merger or acquisition.

Storm Water Retention: The City code requires retrofit for storm water retention for major redevelopment projects which both Options will trigger. In this case, the retrofit will be done via an underground ex-filtration system and some small amount of surface retention swales in combination. In these constrained previously developed sites, to the extent that the full storage volume cannot be achieved, then a fee-in-lieu payment is required. The City uses those fee-in-lieu funds on other storm water quality improvement projects for the lakes.

Architecture and Landscaping: The preliminary architectural elevations are provided and as you will see this will be a significant visual improvement. In either option, staff is very complimentary of the materials and design. Together with the new street side plaza, this will be a big upgrade to the visual appearance of this property.

The 'special' street front setback on the north side of Fairbanks Avenue is 15 feet. Typically it is 10 feet on most other commercial streets. In Option #1 there is an architectural tower element proposed on the corner of the remodeled one-story building to provide architectural interest and character which goes to the 10 foot setback. In Option #2 in order to provide extra architectural articulation (in's and out's versus a flat wall building) the center portion of the new two story building goes to the 10 foot setback. Staff is supportive of the variances requested, per the plans submitted, which are allowed as part of a conditional use approval.

Summary: Staff is very complimentary of the overall site plan design and architecture. The project meets all the code requirements, the setback variances are minimal and the drive-in components are designed to meet the peak stacking needs for the 'community' bank intended as the occupant.



OCAPA Web MAP

PRINT CONTACT



Parcel ID: 292201451202060 (Rng-Twn-Sec format)

0 100 ft

This map is for reference only and is not a survey.

Created on 5/3/2012, Copyright 2007. Orange County Property Appraiser.

Applicant's Project Description

Narrative- Conditional Use Application for 957 W. Fairbanks Avenue 5/2/2012

Vision Development and Management, LLC (Applicant) has entered an Agreement to purchase the property located at 957 W. Fairbanks Avenue. The property is approximately 1 acre and contains 3-attached and 1-detached buildings, yielding roughly 7,500sf of retail space. The zoning of the property is C-3 on the lots fronting Fairbanks and O-1 on the northern lots fronting Comstock in the parking area.

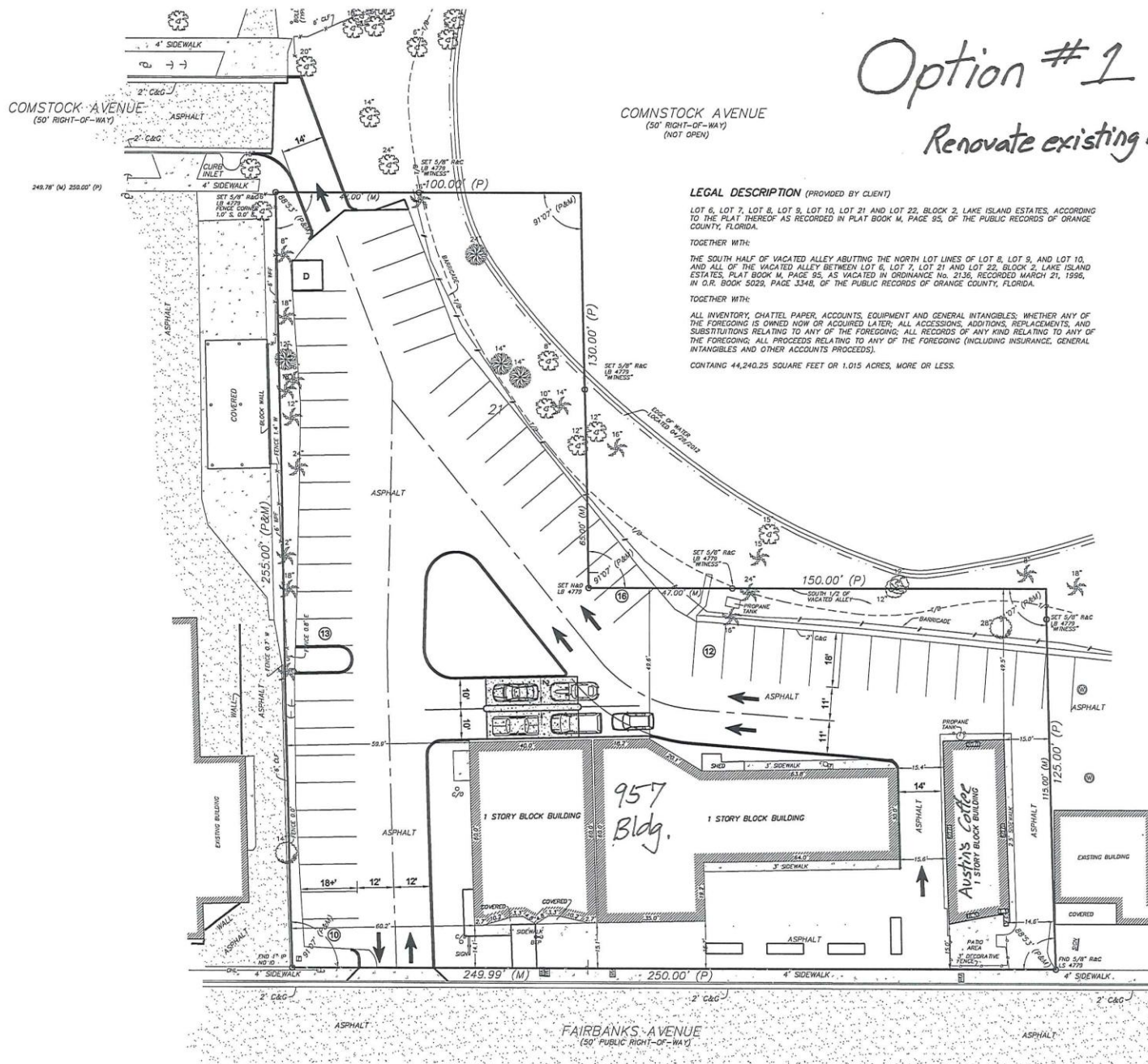
The Applicant is considering enhancement or redevelopment of the site and is working with a "community-sized" bank tenant, considering the site for a future retail branch and corporate-headquartered office location. To accommodate the needs of this potential tenant, we propose and request a Conditional-Use Permit for: 1) a building that would be greater than 10,000sf and 2) the construction of a minimum of two drive-thru Teller lanes plus a possible third ATM/bi-pass lane (not illustrated in the attached). The proposed plans also revise the parking lot to establish safe and efficient traffic movement for ingress and egress. This includes the feasibility of construction of a one-way north exit from the site's parking lot and off-site improvements for access onto Comstock Avenue.

Consistent with the property's C-3 zoning, the Applicant has provided for two potential development options within this Application for Conditional-Use Permit:

- *Option 1:* The existing buildings remain intact and improvements are made to the elevations to greatly improve the street impact. A minimum two-lane drive-thru Teller is constructed and the parking area and traffic flow are revised as described above. Under this scenario, the property will accommodate roughly 2,000sf for a retail bank branch and 5,500sf for uses allowable within the C-3 zoning.
- *Option 2:* The three existing attached buildings on the western two-thirds of the property are demolished and a new two-story +/-12,000sf building is constructed with a minimum two-lane drive-thru Teller. The parking area and traffic flow are revised as described above. Under this scenario, the property may accommodate 12,000sf for a retail bank branch and corporate headquarters in addition to the existing detached retail/coffee shop.

Proposed Exceptions: The architecture is characterized as modern and an attempt has been made to break up the building massing such that it is a module consistent with the rhythm of the street. To accomplish this, we have brought the architectural details of the building within the allowable 15-foot front-yard setback and request an exception for some part of it to within 10-feet. We are attempting to introduce these elements as a transition from the public realm/right-of-way sidewalk to the private with hardscape, possible seating, planters, etc. leading into a possible covered loggia and/or patio.

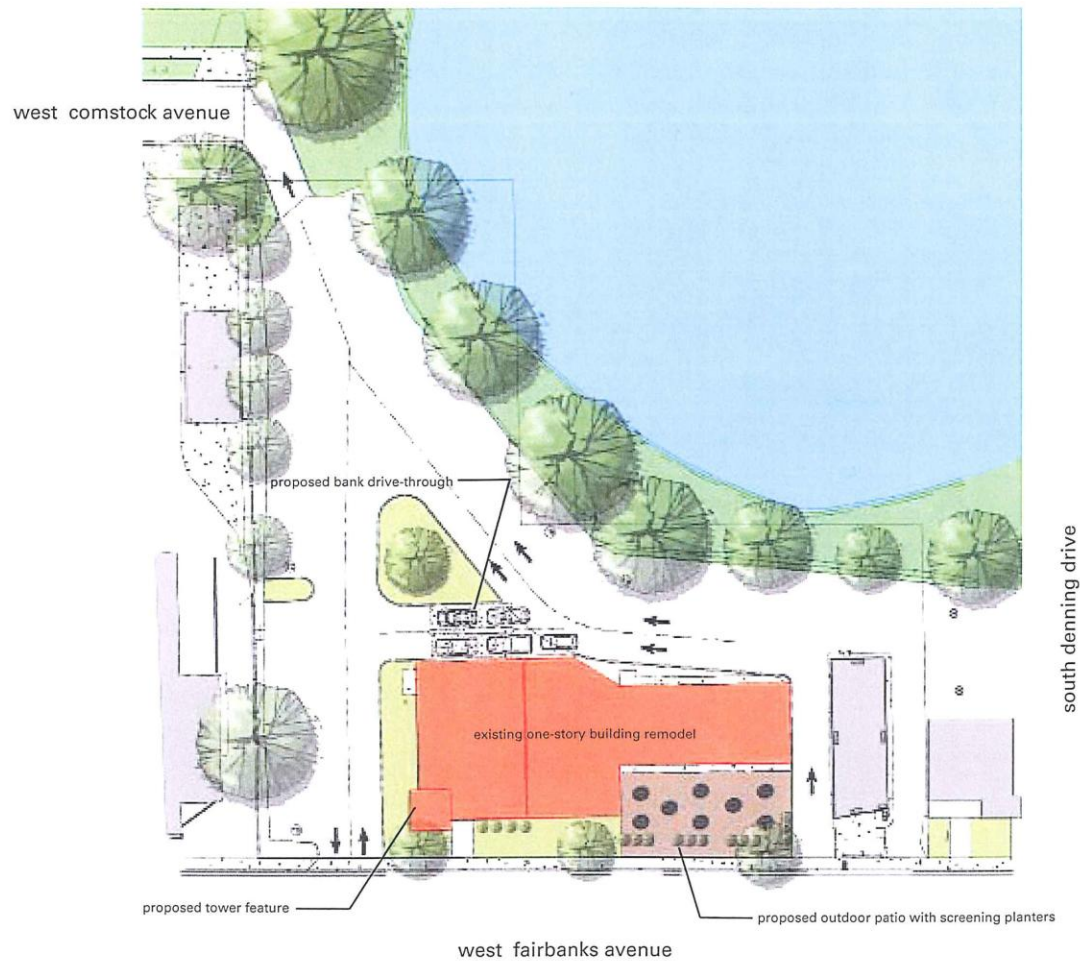
Finally, the property currently features seven parking spaces that are fronting Fairbanks. We have eliminated these spaces in both proposed plans. Though adequate parking has been provided for both planned proposed uses, Option 2 presents a potential parking deficiency that may be triggered by occupancy of mixed uses allowed within C-3. Accordingly, we request an exception for the deficiency of up to seven parking spaces so that the property's development does not limit its use and tenant mix within the allowance of the applicable zoning code.



Option #1

Renovate existing bldg.





ONE STORY SCHEME - SITE PLAN

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

05.02.12

blankenship co

4447 virginia drive, or
407.312.3882 martin



ONE STORY SCHEME

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

05.02.12

blankenship.co

4447 virginia drive, oi
407.312.3882 martin



ONE STORY SCHEME

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

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4447 virginia drive, o
407.312.3882 martin



ONE STORY SCHEME

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

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Option #2
New 2-story bldg.



LEGAL DESCRIPTION (PROVIDED BY CLIENT)

LOT 6, LOT 7, LOT 8, LOT 9, LOT 10, LOT 21 AND LOT 22, BLOCK 2, LAKE ISLAND ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK M, PAGE 95, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

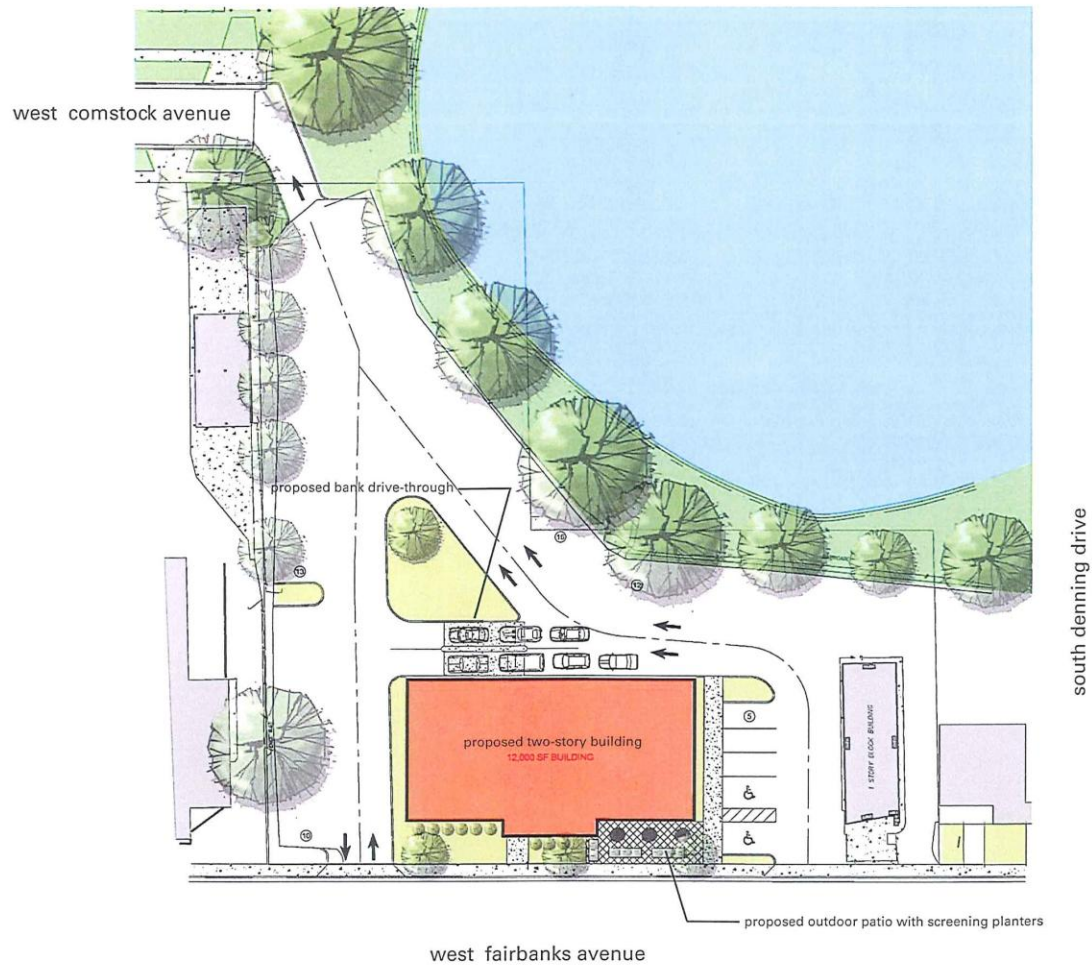
TOGETHER WITH:

THE SOUTH HALF OF VACATED ALLEY ABUTTING THE NORTH LOT LINES OF LOT 8, LOT 9, AND LOT 10, AND ALL OF THE VACATED ALLEY BETWEEN LOT 6, LOT 7, LOT 21 AND LOT 22, BLOCK 2, LAKE ISLAND ESTATES, PLAT BOOK M, PAGE 95, AS VACATED IN ORDINANCE NO. 2136, RECORDED MARCH 21, 1996, IN O.R. BOOK 5029, PAGE 3348, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

TOGETHER WITH:

ALL INVENTORY, CHATTEL PAPER, ACCOUNTS, EQUIPMENT AND GENERAL INTANGIBLES; WHETHER ANY OF THE FOREGOING IS OWNED NOW OR ACQUIRED LATER; ALL ACCESSIONS, ADDITIONS, REPLACEMENTS, AND SUBSTITUTIONS RELATING TO ANY OF THE FOREGOING; ALL RECORDS OF ANY KIND RELATING TO ANY OF THE FOREGOING; ALL PROCEEDS RELATING TO ANY OF THE FOREGOING (INCLUDING INSURANCE, GENERAL INTANGIBLES AND OTHER ACCOUNTS PROCEEDS).

CONTAINING 44,240.25 SQUARE FEET OR 1.015 ACRES, MORE OR LESS.



TWO STORY SCHEME - SITE PLAN

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

05.02.12

blankenship cō

4447 virginia drive, or
407.312.3882 martin



TWO STORY SCHEME

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

05.02.12

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TWO STORY SCHEME

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

05.02.12

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TWO STORY SCHEME

TRUSTCO BANK - WINTER PARK, FLORIDA
conditional-use submittal

05.02.12

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CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
Welcome Center

June 5, 2012
7:00 p.m.

MINUTES

Chairman Krecicki called the meeting to order at 7:00 p.m. in the Welcome Center. Present: Drew Krecicki, Sarah Whiting, George Livingston, Tom Sacha, Peter Gottfried, Randall Slocum, James Johnston and Robert Hahn. Staff: Planning Director Jeffrey Briggs, Building Official George Wiggins, Senior Planner Stacey Hectus, Planning Technician Caleena Shirley and Recording Secretary Lisa Smith.

Approval of minutes – May 1, 2012

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the April 3, 2012, meeting minutes. Motion carried unanimously with a 7-0 vote.

REQUEST OF VISION DEVELOPMENT AND MANAGEMENT LLC FOR: CONDITIONAL USE APPROVAL TO DEVELOP UP TO A TWO STORY 12,000 SQUARE FOOT BUILDING WITH A NEW BRANCH BANK LOCATION AS A REDEVELOPMENT OF THE PROPERTY AT 957 W. FAIRBANKS AVENUE, ZONED (C-3).

Planning Director Jeffrey Briggs presented the staff report. He explained that this item is a conditional use request from the contract purchasers of the property at 957 W. Fairbanks Avenues. He explained that there are two redevelopment options for the site. Both include a new branch bank facility with drive-in tellers and one option includes a building over 10,000 square feet in size. He noted that the applicants are requesting that this be a 'complete' application with all the information provided for both the 'preliminary' and 'final' conditional use approvals. He provided details of the site and the surrounding neighborhood dynamics, the project plans to include parking, stacking and traffic circulation, storm water retention, and landscape and architecture. He summarized by stating that staff is very complimentary of the overall site plan design and architecture. The project meets all the code requirements, the setback variances are minimal and the drive-in components are designed to meet the peak stacking needs for the 'community' bank intended as the occupant.

Staff recommendation was for approval with the following conditions:

1. That this conditional use approval is limited to use by Trustco Bank or other 'community' bank as agreed to by staff and any subsequent acquisition/merger with another financial institution shall require subsequent approval by the City for the drive-thru facilities to insure sufficient stacking room exists without impeding traffic flow within this parking lot.
2. That the staff will approve the "final" landscape plan and storm water system/design plans in accordance with code.
3. That credit is provided for the seven parking spaces being voluntarily removed to provide for mixed use tenancies.

Mr. Briggs responded to Board member questions and concerns.

David Lamm, Lamm & Co., represented the applicant. He stated that they are in agreement with the staff report. The reason for presenting the two schemes is to allow for flexibility as the project progresses. He said that it is their intention to present a quality redevelopment plan in either option. He also requested that the

Board consider allowing the applicant to construct an ATM end cap bypass lane in addition to removing the restrictive covenant concerning the type of bank as detailed under option 2 (the two-story option), as a part of the approval. Mr. Lamm responded to Board member questions and concerns.

Several of the current tenants were present to speak concerning this request. Andres and Paula Montoya, 959 West Fairbanks Avenue; Daniel Wantessi, 941 West Fairbanks Avenue; Donna Moore, 955 and 957 West Fairbanks Avenue. They all explained that they have signed long-term leases and discussed how this redevelopment affects them.

Mr. Lamm clarified that the purpose of the application at this time is to determine project feasibility. Once there is a potential project then the existing tenants can be brought into the process to see if there can be accommodations made with the existing leases. However, first they must know if the City will allow the project.

Craig Silverman, 3662 Avalon Park Boulevard, Orlando, FL addressed the Board concerning the tenant issue. He indicated their willingness to meet with all of them individually. He said they are currently in the process of going thru each lease individually. He responded to Board member questions and concerns.

No one else wished to speak concerning this issue. Public Hearing closed.

The Board members discussed the request. Mr. Livingston said that he feels that the request is premature if the applicant doesn't know whether they can build the project given the leases. Several Board members expressed that they would like to see something worked out with the existing tenants in order to accommodate them. However, in response to a question, the applicant expressed that tabling the request will not work with the contract timeframe. Consensus was that the tenancy issue is out of the purview of the Board.

Mrs. Whiting stated that she is uncomfortable with the parking and that she is more comfortable with option one versus option two. She requested that the Board vote on the options separately but the consensus was to take the request as a whole. Mr. Johnston and Mr. Gottfried expressed that they feel it will be good to have either new redevelopment option for this section of Fairbanks Avenue.

Motion made by Mr. Gottfried, seconded by Mr. Johnston to approve the request subject to staff recommendation. Mr. Krecicki amended the motion to add that staff verify the ownership of Lot 20 to ensure that there is no conflict of ownership. Motion carried with a 5-2 vote. (Mr. Livingston and Mrs. Whiting voted against the motion).

Respectfully submitted,

Lisa M. Smith,
Recording Secretary