



city commission agenda

Regular Meeting

December 9, 2013
3:30 p.m.
Commission Chambers

commissioners				mayor	commissioners			
seat 1	Steve Leary	seat 2	Sarah Sprinkel	Kenneth W. Bradley	seat 3	Carolyn Cooper	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.

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. 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.

agenda

1	Meeting Called to Order	
2	Invocation Building Director George Wiggins Pledge of Allegiance	
3	Approval of Agenda	
4	Mayor's Report	Projected Time
	a. Presentation – "Feed the Need"	10 minutes
	b. Recognition of artist Blair Sligar – Art in Chambers	
5	City Manager's Report	Projected Time
6	City Attorney's Report	Projected Time

7	Non-Action Items	Projected Time
	a. Downtown parking update – Part 2	30 minutes
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	Projected Time
	a. Approve the minutes of 11/11/13 and 11/25/13. b. Approve the following purchases and contracts: <ol style="list-style-type: none"> Blanket Purchase Order to Awarded Firm for Lake Killarney Outfall Dredging Project; \$100,000. Purchase Requisition PR153848 to Don Reid Ford, Inc. for the replacement of 4 police vehicles; \$100,032. Purchase Requisition PR153846 to Duval Ford and Isuzu for the replacement of utility crew trucks; \$253,896. After the fact Blanket Purchase Order #151633 to Waste Pro of Florida under RFP-6-2009 for \$2,150,000. Award and subsequent Purchase Orders to Pine Lake Nursery for IFB-1-2014, Lee Road Median Tree Project; \$51,079. Piggybacking City of Boca Raton contract for Wastewater Lift Station(s) Rehabilitation Bid No. 2010-038 and authorize the Mayor to execute Purchase Orders for services on an as needed basis. c. Approve the budget adjustment to appropriate \$25,000 for street paving materials. d. Approve the Second Amendment to the Native Load Firm Fixed Capacity and Partial Requirements Transaction Confirmation between City of Winter Park, FL and Florida Power & Light Company dated August 12, 2013.	5 minutes
10	Action Items Requiring Discussion	Projected Time
	a. Approval of Notice to Dispose advertisements of two parcels of land located at 300 N. Pennsylvania Avenue and 321 Hannibal Square W. located within the CRA for possible development options.	30 minutes
11	Public Hearings	Projected Time
	a. <u>Request of Ramber Arlington LLC:</u> <ul style="list-style-type: none"> Subdivision or Lot Split approval to divide the property at 1280 Arlington Place, Zoned R-2, into two lots. 	15 minutes
	b. <u>Request of Nort Northam:</u> <ul style="list-style-type: none"> Ordinance – Amending Chapter 58, “Land Development Code”, Article I “Comprehensive Plan” Future Land Use Map so as to establish Commercial Future Land Use on the annexed property at 656 Overspin Drive and to indicate the annexation of this property on the other maps within the Comprehensive Plan (2) 	5 minutes

- **Ordinance** – Amending Chapter 58, “Land Development Code”, Article III, “Zoning” and the official Zoning Map so as to establish Commercial (C-3) Zoning on the annexed property at 656 Overspin Drive (2)

- c. **Ordinance** – Vacating and abandoning a portion of Gaines Way lying between 610 Gaines Way and 1760 Gaines Way, but retaining and reserving to the City a utility easement over the entire area thereof (2)

5 minutes

12 City Commission Reports

Projected Time

- a. Commissioner Leary
- b. Commissioner Sprinkel
- c. Commissioner Cooper
- d. Commissioner McMacken
- e. Mayor Bradley

10 minutes each

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.”



city commission city manager's report

item type

City Manager's Report

meeting date

December 9, 2013

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
Lee Road Median Update	Permit received. Irrigation installation ongoing, tree purchase on 12/9/13 agenda.	Tree installation will begin in January 2014.
Fairbanks Improvement Project	<p><u>Communication Notices</u></p> <ul style="list-style-type: none"> Working with future customers regarding connection to gravity sewer. 	<p><u>Construction Project</u></p> <p>Connection to sewer instructions posted on City website.</p> <p>Contractor working on punch list items including pavement markings and as-built drawings.</p>
Amtrak/SunRail Station	Roof tiling constructed. Amtrak parking lot improvements underway. Underground utilities complete.	Building complete January 2014 SunRail complete May 2014
Quiet Zones	FDOT consultant still reviewing concept plans.	Ongoing coordination with MetroPlan and FDOT.
New Hope Baptist Church Project	The covers have been placed around the unsightly A/C units and will be painted in the coming week. The neat skirtings around portables have been installed. All ramps to portables have been erected with their railings. Partial landscaping has been done in preparation for entrance/exit driveway, sidewalks leading to and fro from church/portables, and required drainage points according to plans. Sidewalks and driveway work is expected to commence this week. The handicapped men and women restrooms plumbing has passed City inspection and is presently having fixtures installed. Electrical and A/C ducting has partially been addressed pending the completion of drywall and plumbing vents installation.	Updated in email from Pastor.
Alfond Inn	Additional drainage improvements have been installed to resolve drainage issues.	

Grant Chapel	Site work underway. Chapel building lifted on steel beams and made ready to move.	Scheduled to be moved December 10-13, 2013.
Capen House	Site work underway. House being prepared for move by cutting building in half. One half to be moved down to lakefront. Barge is in place.	Schedule still to be determined but expected to be in the first 2 weeks of December.
Statistics on # of people listening live on-line for public meetings for the last 12 months.	Commission Meetings – Average 4.3, high 22, low zero Planning and Zoning – Average 0.5, high 3, low zero CRA – Average zero, high zero, low zero CRA Advisory – Average 0.8, high 4, low zero Historic Preservation – Average 0.5, high 1, low zero Board of Adjustments – Average 0.1, high 1, low zero	
Winter Park Hospital Parking Garage	Submitted construction plans. Will start discussion about master plan in January.	Schedule to be determined.

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.



city commission agenda item

item type	Non- Action Item	meeting date	December 9, 2013
prepared by department division	Troy Attaway Public Works Dept.	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

Downtown Parking Update

motion | recommendation

Staff is analyzing the current parking utilization including the Park Place Garage and Lot A during the peak season in consideration for additional employee parking spaces that will be used as part of the City Employee Parking program which will be rolled out in March 2014.

background

At the November 11th City Commission Meeting, staff gave an update on the status of several options to increase the parking supply in downtown Winter Park. The Commission expressed interest in utilizing the Blake Street Yard and the old Swoope Water Treatment Plant site on New York Avenue as parking lots. Both properties are owned by the City.

Staff has laid out a plan for each of the sites. The Blake Street Yard would yield 28 parking spaces. Staff has concerns about several issues concerning this site. Access to the Blake Yard is challenging given FDOT's latest effort to remove Blake Street and fence this portion of the railroad right-of-way. Without easy access, even employee parking is difficult to market. Additionally, the area would need to be secured in some manner to make it safe for pedestrians.

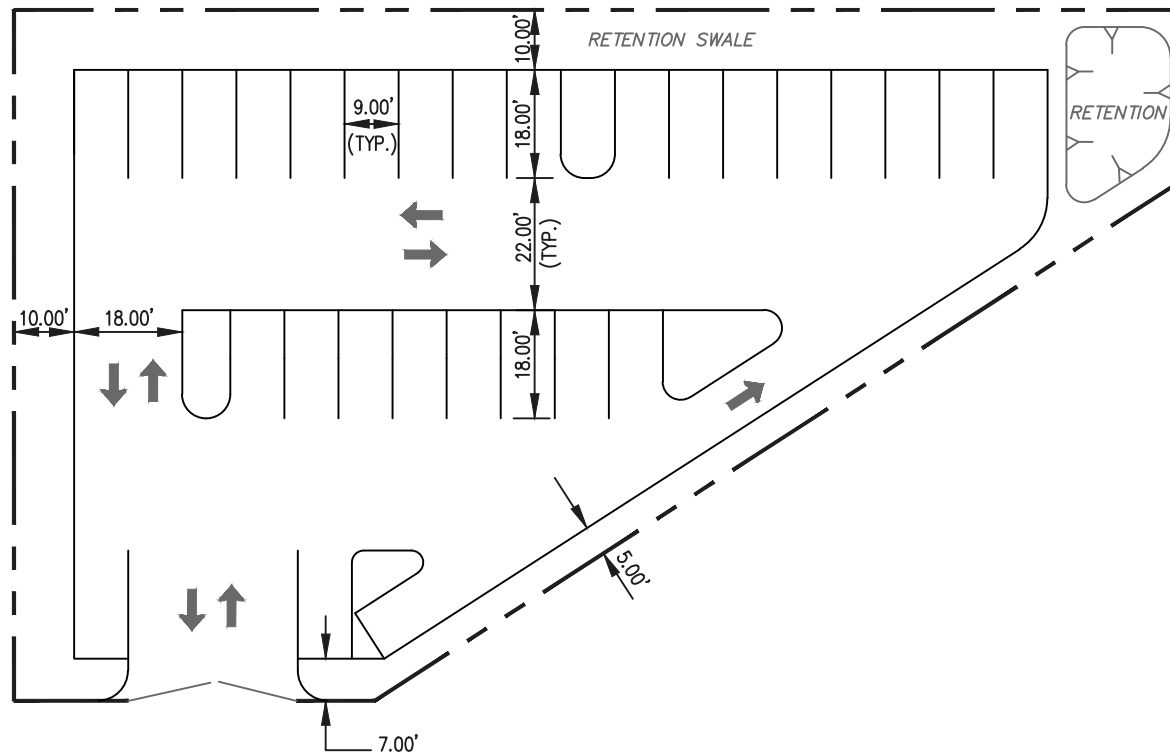
The Swoope Water Treatment Plant could be designed for 79 spaces. This site is not easily found or accessed from Park Avenue or New York Avenue. Again, securing the site and making it safe for pedestrians is an on-going issue.

In addition, 29 spaces in the City Hall parking lot located along Lyman Avenue have been converted to public spaces and signed for three hour parking. This should provide additional parking for the public during this peak season.

Staff will brief the Commission in February about the employee parking program which will include an assessment of these two lots, the use of the City Hall lot and the existing parking spaces in Lot A and the Park Place Garage.

fiscal impact

Cost to pave Blake street site is approximately \$9,000. Cost to pave the old Swoope Water Treatment Plant site is approximately \$20,000.



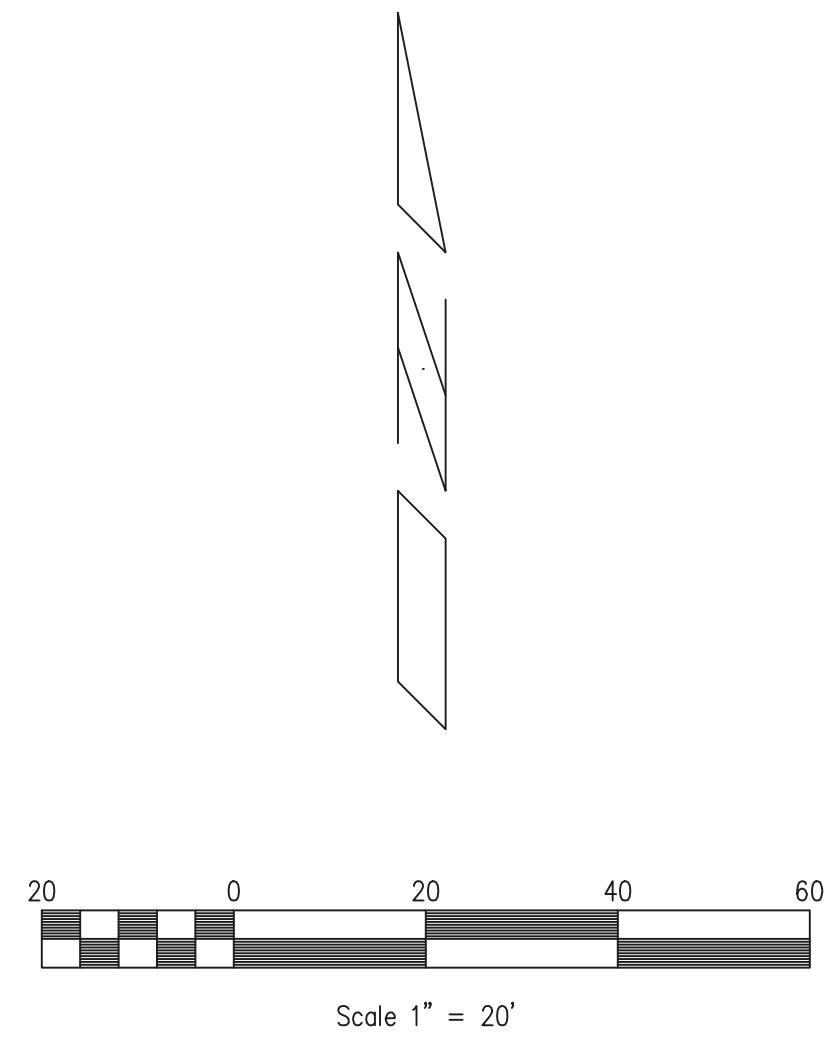
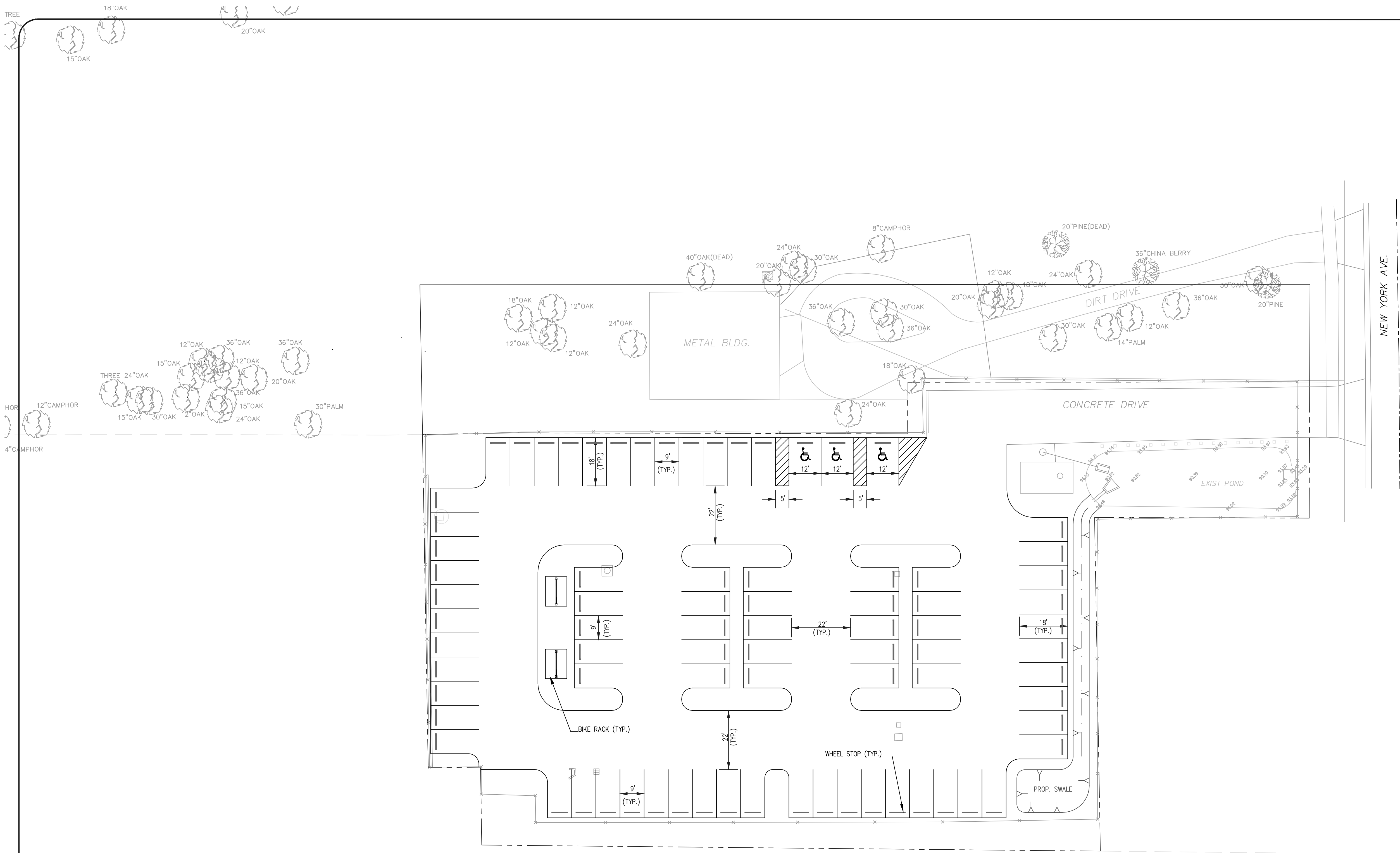
28 PARKING SPACES



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

0 25 ft


Created on 11/26/2013, Copyright 2007. Orange County Property Appraiser.



- NOTES :**
1. THIS SITE PLAN IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A SURVEY.
 2. NO UNDERGROUND UTILITIES, WATER MAIN, SANITARY SEWER, STORM SEWER.....WERE LOCATED.
 3. EXACT LOCATIONS AND DEPTHS OF ALL UNDERGROUND UTILITIES, PIPES.....MUST VERIFY IN THE FIELD.

FILE NAME
NY SWOOPE PRKG H13
PLOT CODE
20.PLT

DATE	REVISIONS	REVISED BY	CHKD. BY



City Of Winter Park
401 Park Avenue South
Winter Park, Florida 32789
Telephone (407) 623-3242

DESIGNED BY: HNN	DRAWN BY: HNN	CHECKED BY: W(B)M	APPROVED BY: TRA
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NEW YORK AVE. - PARKING IMPROVEMENT

PRELIMINARY SITE PLAN

City of Winter Park
Winter Park, Florida

PROJECT NUMBER
DATE NOVEMBER 2013
SCALE 1" = 20'
SHEET NO. <u>1</u> OF <u>1</u>

OCA Property Map



Parcel ID: (Rng-Twn-Sec format)

0 50 ft

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

Created on 11/26/2013, Copyright 2007. Orange County Property Appraiser.

REGULAR MEETING OF THE CITY COMMISSION
November 11, 2013

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Mayor Bradley requested a moment of silence for our veterans and armed force members and to include the following members in our prayers; Cindy Bonham's mother, former Commissioner Butch Bundy and those individuals in the Philippines who were injured or passed away this week.

The invocation was provided by Parks and Recreation Director John Holland, 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:

Assistant City Manager Michelle del Valle
City Attorney Larry Brown
Recording Secretary Lisa Smith

Approval of the agenda

Motion made by Commissioner McMacken to approve the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

Mayor Bradley donated his mayoral salary to the "Feed the Need" campaign by presenting a personal check to Patrick Chapin, CEO, Winter Park Chamber of Commerce. He urged everyone in the community to give what they can to this worthy cause.

Mayor Bradley thanked everyone for the wonderful Veterans Day event and commended all of those who participated. He encouraged everyone to participate by walking in the "Mayor's Sole Challenge" event this Saturday at 7:00 a.m.

City Manager's Report

Assistant City Manager Michelle del Valle explained that the City recently met with Waste Pro to discuss contract negotiations for the expansion of residential recycling and commercial garbage consolidation. In the interim, Waste Pro has agreed to sign an addendum to exempt all residential construction projects from the franchise agreement. The addendum will be presented at the next Commission meeting.

Upon request, Planning and Community Development Manager Dori Stone advised that the Historic Preservation consultant Myles Bland will be presenting his report to the Historic Preservation Board this Thursday. She explained that the consultant's contract allows for a formal presentation and report be given to the Commission and asked if it should be placed on the November 25 agenda. A majority of the Commission recalled that they charged the Historic Preservation Board to bring back a formal recommendation(s) for consideration but welcomed receiving Mr. Bland's report in the interim. Ms. Stone acknowledged.

Ms. del Valle acknowledged the request to add the Winter Park Hospital Parking Garage project to the City Manager's report.

City Attorney's Report

Capen House

Attorney Brown noted that this week his office will be filing the City's motion to dismiss the lawsuit, along with preparing the 21 day response letter.

Bell Litigation

Attorney Brown stated that his office received a letter from the Eleventh Circuit Court of Appeals in Georgia requesting to set aside the week of March 3, 2014 for oral argument in Jacksonville, Florida.

Max Media

Attorney Brown explained that there was a court hearing this past Friday whereby the judge gave the City until the middle of January to try and resolve this case. The judge also indicated that she does not see the need in deferring to FDOT since she feels capable of interpreting the law and regulations. Attorney Brown provided a brief status and answered questions posed by the Commission regarding the two different settlement options presented by Clear Channel.

Motion made by Commissioner Leary to direct the City Attorney to bring back a settlement agreement that embodies the business terms in option 2 as presented; seconded by Commissioner McMacken.

Patrick Chapin, Chamber of Commerce, spoke in favor.

Attorney Brown answered questions including the risks involved if we were to drop the lawsuit.

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.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of 10/28/13. – **PULLED FOR DISCUSSION – SEE BELOW**
- b. Approve the following contracts:
 - 1. Piggyback City of Jacksonville Beach Contract No. 1213-03 with Heart Utilities of Jacksonville, Inc. for installation of underground electric infrastructure; and authorize the Mayor to execute the piggyback contract along with a purchase order for payment; \$1,500,000.00.
 - 2. Piggyback City of Orlando Contract No. IFB 10-0003 with Central Environmental Services, Inc. for demolition of residential and commercial structures; and authorize the Mayor to execute the piggyback contract along with a Purchase Order for payment.
 - 3. Sole source contract with NCH Corporation dba ChemSearch to install and maintain Bio-Amp Odor Control Systems for lift station Nos. 3, 11, 33 and 95; and authorize the Mayor to execute the contract along with a subsequent Purchase Order. – **PULLED FOR DISCUSSION – SEE BELOW**
 - 4. Contract renewal (Amendment 2 for IFB 20-2011, Auxiliary Generator Services) with CJ's Sales & Service of Ocala, Inc.; and authorize the Mayor to execute Amendment 2.
 - 5. Contract renewal with Ardaman & Associates, Inc., Amendment 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Geotechnical Services); and authorize the Mayor to execute Amendment 1.
 - 6. Contract renewal with Universal Engineering Sciences, Amendment 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Geotechnical Services); and authorize the Mayor to execute Amendment 1.
- c. Approve the Orange County/City of Winter Park Interlocal Utility Agreement regarding water/wastewater services.
- d. Authorize the Mayor to execute the Electric Power Purchase and Sale Agreement by and between the City Of Winter Park, Florida and Covanta Energy Marketing, LLC.

Motion made by Commissioner Cooper to approve Consent Agenda items 'b.1-2', 'b.4-6', 'c' and 'd'; seconded by Commissioner Sprinkel. No public comments were made. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item 'a', - Approve the Minutes of 10/28/13:

Motion made by Mayor Bradley to amend the minutes, page 12, Public Hearing Item H, first sentence by adding "and Mayor Bradley turned the chair over to the Vice Mayor for the discussion period."; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item "b.3" - Sole source contract with NCH Corporation dba ChemSearch to install and maintain Bio-Amp Odor Control Systems for lift station Nos. 3, 11, 33 and 95; and authorize the Mayor to execute the contract along with a subsequent Purchase Order.

Water and Wastewater Director David Zusi answered Commissioner Cooper's inquiry regarding sole source. **Motion made by Commissioner Cooper to approve Consent Agenda item 'b.3'; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.**

Action Items Requiring Discussion

a. Prioritization of recommendation from the WRT Study

Planning and Community Development Manager Dori Stone explained that on September 9, 2013, the City Commission received the findings of a study prepared by Silvia Vargas with WRT regarding policies and regulatory issues to economic development in the City's Comprehensive Plan and Land Development Code. After further direction from the Commission, a worksheet was prepared outlining each recommendation, related boards for review and a staff recommendation outlining possible timeframes for changes or implementation.

Ms. Stone explained that several of the tasks such as creating a framework for review by the Planning and Zoning Board and the Economic Development Advisory Board can be done immediately. Other changes, including policy changes that require changes to various policies in the Comprehensive Plan will be brought through the public hearing process as one of two large scale Comprehensive Plan Amendment cycles that the Planning & Community Development Department will schedule for 2014. The recommendation to wait until the Evaluation and Appraisal (EAR) report is based on the need for considerable data collection and analysis. The City's EAR is due in 2016. Staff intends to begin certain aspects of this review as early as 2015 based on the recommendations and necessary changes in Chapter 163. This recommendation will not preclude possible changes through the Large Scale Comprehensive Plan Amendment process should staff and the appropriate boards decide to bring forward policy changes based on corridor planning. Ms. Stone noted that staff intends to move proactively through this worksheet and both the Planning and Zoning Board and the EDAB have committed to facilitate appropriate discussions.

Commissioner Cooper suggested that a community wide visioning process be held to allow the public the opportunity to provide input prior to changing City policies or codes.

Ms. Stone answered questions related to the visioning statement, the evaluation process with concurrency and the large scale comprehensive plan amendment

process to help rectify the conflict between the Comprehensive Plan and Land Development Code.

Motion made by Mayor Bradley to adopt staff's recommendation and the plan that is presented; seconded by Commissioner Leary.

Mayor Bradley noted that the Denning Drive changes occurred within our current Comprehensive Plan adopted in 2009.

The following spoke in opposition to changing the Comprehensive Plan

Sally Flynn, 1400 Highland Road

Mary Randall, 1000 S. Kentucky Avenue

Dan Bellows, 411 W. New England Avenue

Elizabeth Posner, 350 Carolina Avenue

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.

Public Comment (5:00 p.m.)

David Leavitt, 1100 Charles Street, Longwood, FL spoke in opposition to the red light camera ordinance and asked the Commission to not renew the contract.

A recess was taken from 5:02 p.m. to 5:18 p.m.

b. Downtown Parking Update

Public Works Director Troy Attaway explained that in June the Commission accepted the parking study and requested staff to create 100 additional parking spaces to the downtown area within 12 months. Mr. Attaway stated that during the June discussion the Commission selected the following projects listed below and provided a brief status update.

Morse Blvd restriping from Virginia Avenue to New York Avenue for 36 additional parallel parking spaces.

This was to be a trial solution during the holiday season with a future discussion to be made on its permanency. Striping project is on hold pending Commission discussion.

New York Avenue at Morse Boulevard restriping to add 5 additional parking spaces and to improve the Lynx bus eastbound to southbound turning.

Striping is on hold pending Commission discussion.

Mr. Attaway explained that the total parking spaces gained, with Morse Boulevard is 126 spaces and without Morse Boulevard is 90 spaces.

West Meadow parking area modification for 12 additional parking spaces.

Public Works has designed improvement and construction will be completed by November 30th.

Public Works offices relocation, demolition of the Public Works office building, and the paving of this area for 73 additional parking spaces.

Relocation plans have been completed. Modification to accommodate existing staff at other existing facilities will begin in December and be completed by February 28, 2014. Public Works building will be demolished and new parking lot constructed in March 2014 at which time the 73 new parking spaces will be available.

Commission discussion ensued regarding the West Meadow parking modifications and the potential impacts created by the additional parking lane buffer for the Lynx buses and if we should move forward or implement a trail period.

A question was raised by the Commission concerning the solutions presented by staff herein and if they are in line with the overall direction that was given since a majority recalled that back in June they accepted the parking study and asked staff to bring back a proposal on how we could add 100 parking spaces with a minimal cost in the next year. Assistant City Manager Michelle del Valle responded. She explained that during the Strategic Planning meeting on September 6 staff brought back the downtown parking information whereby the Commission provided direction and approval.

Motion made by Mayor Bradley to accept the parking recommendations for the second time, that we implement the public works office building parking plan which is funded, as well as the West Meadow, and that we keep whatever the equivalent land that we take from the West Meadow, from the south corner of the West Meadow up to the equivalent feet, that it becomes no parking of any kind and implement the New York Avenue parking spots. Mayor Bradley explained his intention is to keep a permanent perpetual green border along the West Meadow. For clarification purposes, Mr. Attaway said the buffer distance is approximately 12-14 feet. **The motion was seconded by Commissioner Leary for discussion.**

Motion amended by Commissioner Cooper to remove the commitment to extend the parking into the West Meadow (to eliminate the 12 spots in West Meadow); seconded by Commissioner Sprinkel.

Motion amended by Mayor Bradley saying that if the amendment passes, that we never park in the West Meadow; seconded by Commissioner Sprinkel.

The following spoke in favor:

Brian Wettstein, 329 N. Park Avenue
Frank Vogelsong, 216 S. Park Avenue

The following spoke in opposition:

Vicki Krueger, 200 Carolina Avenue
Stuart Karden, 350 Carolina Avenue

Kevin Wram, 300 S. Park Avenue
Dan Bellows, 411 W. New England Ave.
Patrick Chapin, Chamber of Commerce
Woody Woodall, 328 N. Park Avenue

Mary Randall, 1000 S. Kentucky Ave.
Sally Flynn, 1400 Highland Road
Marti Miller, 1399 Aloma Avenue
Kenneth Murrah, 1601 Legion Drive
Forest Michael, 358 W. Comstock Ave.
Joan Cason, 1915 Woodcrest Drive

Upon request, Mr. Attaway noted that the Blake Yard is currently used as an electric laydown area and can provide approximately 45 parking spaces.

Motion amended by Commissioner Leary to restripe the Blake Yard to add 45 parking spaces; seconded by Commissioner Cooper. A majority agreed with the suggestion to have the Blake Yard and the Swoope Water Plant discussion within the next few months so that staff can remain focused on the tasks at hand. Mayor Bradley asked that they also discuss the Downtown Parking District Plan; **Commissioner Leary withdrew his motion to amend; Commissioner Cooper agreed so long as they discuss these items in the next few months.**

Motion amended by Commissioner Cooper to immediately allow the Park Avenue merchants, on an either first come first serve basis or give out permits, to utilize the parking at the Swoope Water Plant at New York Avenue and Swoope Avenue. Motion failed for lack of a second.

Upon a roll call vote on the first amendment, Mayor Bradley and Commissioner Leary voted no. Commissioners Sprinkel, McMacken and Cooper voted yes. The motion carried with a 3-2 vote.

Upon a roll call vote on the second amendment, Mayor Bradley and Commissioner Sprinkel voted yes. Commissioners Leary, McMacken and Cooper voted no. The motion failed with a 3-2 vote.

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. Proposed Settlement of Auction Rate Securities Claim

Finance Director Wes Hamil explained that on June 11, 2012 the City Commission authorized staff through special counsel to file a claim against the lead underwriters of the Water and Sewer Revenue Bonds, Series 2004 and the Electric Revenue Bonds, Series 2005. The claim was filed with the Financial Industry Regulatory Authority and relates to the failed auction rate security market through which these bonds were issued.

Mr. Hamil noted that this past week he and City Manager Knight participated in the mediation case and agreed to a settlement amount of \$655,000. However, the

agreement provides that all attorney expenses be paid up front which leaves us with an estimated settlement amount of \$410,000. All parties were notified that the final agreement would have to be presented to the City Commission for approval prior to acceptance. Since a draft agreement was not available for this meeting Mr. Hamil requested that the Mayor be allowed to execute the final agreement after the City Attorney approves the terms, conditions and final list of attorney expenses.

Motion made by Commissioner McMacken to authorize the Mayor to execute the final agreement after the City Attorney approves the terms, conditions and final list of attorney expenses; seconded by Commissioner Sprinkel. 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.**

d. City Manager 2013 Performance Evaluation

Assistant City Manager Michelle del Valle explained that the recommended evaluation form which was included in the agenda packet mirrors the City's electronic performance evaluation and focuses on core values, job/leadership competencies and goals. She noted that the listed goals came directly from the comments made by the Commission during Mr. Knight's 2013 evaluation.

Motion made by Mayor Bradley to approve what is being presented for 2014, which will be their evaluation period at the next meeting; seconded by Commissioner Sprinkel. Discussion ensued regarding the Commission's compilation of goals and the overall process for implementation. Ms. del Valle answered questions and noted that staff will be working with the Commission on a quarterly basis to develop and implement the Strategic Plan. 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.**

Public Hearings:

a. Request of Aloma Avenue Holdings LLC:

ORDINANCE NO. 2943-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY AT 409 ST. ANDREWS BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND 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 and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- b. ORDINANCE NO. 2944-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 2-48, GENERAL RULES APPLICABLE TO SUBSIDIARY BOARDS OF THE CITY; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Leary.

Motion amended by Commissioner Cooper to add language saying that in the City of Winter Park our boards will continue to allow public participation on quasi-judicial items and we will continue to allow public participation at each Planning and Zoning meeting for each item regardless of the closeness of the following commission meeting; seconded by Commissioner McMacken for discussion.

Commissioners Leary and Sprinkel spoke in opposition of the amendment.

Stuart Kasden, 350 Carolina Avenue, encouraged that the amendment be passed.

Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

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

Commissioner Leary felt it would be advantageous for City Management to inform the Commission if citizens are not being allowed to speak at any of the advisory board meetings so the situation can be rectified.

- b. Commissioner Sprinkel

Commissioner Sprinkel said last week she met with the City's public accountant Moore, Stevens, Lovelace, CPA so they could gain insight from a Commissioner's perspective.

c. Commissioner Cooper

Commissioner Cooper thanked everyone for putting on a great Veteran's event last week. She announced that the Florida League of Cities voted City Attorney, Anthony Garganese as the Executive of the Year and congratulated him.

d. Commissioner McMacken – No items.

e. Mayor Bradley

Mayor Bradley challenged the Winter Park Voice to match his contribution to the Feed the Need Fund.

The meeting adjourned at 7:32 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham

REGULAR MEETING OF THE CITY COMMISSION
November 25, 2013

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. A moment of silence was given in honor of former Mayor Dan Hunter who recently passed away. The invocation was provided by City Manager Randy Knight, 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
Deputy City Clerk Michelle Bernstein

Approval of the agenda

City Manager Randy Knight noted that the applicant requested to place item 11A on the December 9 agenda. **Motion made by Commissioner McMacken to approve the agenda with the above change; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

Mayor's Report

a. Richard Quentin "Dick" Harkey Day Proclamation

Mayor Bradley proclaimed November 25, 2013 as Richard Quentin "Dick" Harkey Day. He thanked him for serving as District Representative and for his numerous contributions.

b. Proclamation Small Business Saturday

Mayor Bradley proclaimed November 30 as "Small Business Saturday" and encouraged everyone to show their support by shopping in our local stores. Debra Hendrickson, Winter Park Chamber of Commerce, presented a short video to encourage small business Saturday.

Mayor Bradley thanked everyone for participating in the Mayor's Sole Challenge event this past weekend.

City Manager's Report

City Manager Knight announced the following upcoming events; December 5 – Tiffany Windows on Park Avenue; December 6 – Annual tree lighting celebration; and December 7 – Annual parade and pancake breakfast.

Per Commissioner Cooper's request, City Manager Knight provided a status update regarding the Ravaudage interlocal agreement, CNL's request to develop the Mt. Vernon property, Beth Kassab's article on Historic Preservation and the Amtrak Station. Planning and Community Development Manager Dori Stone provided a brief status on the Lee Road extension.

City Attorney's Report - No items.

Non-Action Item – No items.

Consent Agenda

- a. Approve the following purchases and contracts:
 - 1. Purchase request for Enterprise Renewal of Software from Software House International (State of Florida contract 252-030-09-ACS); \$65,842.
 - 2. Purchase request for Annual Maintenance/Support ERP System from Sungard Public Sector; \$80,589.41
 - 3. Piggybacking City of Orlando Contract, RFP11-169-1 with Terra Firma Construction Management for Job Order Contracting Services
 - 4. Piggybacking City of Orlando Contract, RFP11-169-2 with Johnson-Laux Construction, LLC for Job Order Contracting Services
 - 5. Piggybacking GSA Federal Supply Schedule Contract, GS-35F-0119P with Verizon Wireless
 - 6. Authorize the Mayor to execute the contract and purchase order to Masci Corporation for the Park North Subdivision West Exfiltration System Project FDEP/EPA, Grant Funding GO340 (60% Funded by FDEP Grant and 40% by Stormwater Utility Fee); \$514,407.78
 - 7. Authorize the City Manager to execute contracts and purchase orders to multiple vendors for Facilities Remodel; \$90,000.
- b. Authorize the Mayor to execute Amendment One to the Amended and Restated Power Sales Agreement between Seminole Electric Cooperative, Inc. and the City of Winter Park dated January 15, 2013.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

City Manager Knight answered Mayor Bradley's question relating to the City's schedule for transferring the electrical power load to OUC. On December 17 the City will be testing the switchover of the electrical system which will create a five minute outage on two circuits in that specific quadrant (by the High School). The formal switchover is scheduled for January 2, 2014. He said the City will be notifying the community well in advance of this activity.

Action Items Requiring Discussion

a. Max Media

Attorney Brown provided a brief update on the proposed settlement agreement that was included in the agenda packet. He noted that two updated versions have since been created and a third version is currently being finalized and that all parties are in agreement with the business terms. Since the final document is not in a form where the Commission can vote on it tonight, he requested authorizing the Mayor to sign it once the City Manager and the City Attorney approve the final version.

City Manager Knight explained that the agreement will contain the exact same terms that were discussed at the last meeting regarding where the billboards will go and which ones will be taken down. Attorney Brown advised that in order to ensure the sign(s) will come down in the appropriate timeframe he will be including an obligation in the agreement which states that Clear Channel must apply for a permit to take down the sign(s) within 21 days.

Upon questioning the finalization of the document, Attorney Brown said he believed the agreement will be ready within the next few days but cannot guarantee it. He advised that it would be appropriate for the Mayor to be delegated the authorization.

Motion made by Commissioner Sprinkel to delegate the authorization to the Mayor to execute the agreement after City Manager and City Attorney approval of the final version; 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.

b. Addendum 2 to Solid Waste Franchise with Waste Pro., Inc. (RFP-6-2009)

City Manager Knight explained that the City entered into our current franchise agreement with Waste Pro in April 2009 and runs for seven years, through April 2016. The agreement calls for Waste Pro to be the exclusive hauler of construction and demolition debris with two exclusions to the agreement; (1) contractors hauling their own waste and (2) all commercial recycling (which is regulated by state law).

As the construction market has improved, both Waste Pro and City staff have noticed an increased number of non-franchised containers popping up around town. The Building Official recently sent a notice to contractors who regularly do business in Winter Park reminding them of the City's franchise agreement with Waste Pro and the City's ordinance related to construction and demolition removal. In the notice, we indicated that the City would begin actively enforcing the franchise beginning January 15, 2014. This extension was provided to allow

contractors to complete projects that are currently underway and to bid future jobs based on complying with the franchise agreement.

As a result of the notice, many contractors expressed concern to the City Commission regarding the enforcement of the franchise. The City Commission asked staff to consider alternatives. Staff was already working with Waste Pro on preparing a revised franchise to improve residential recycling and shared commercial containers. Waste Pro has agreed to temporarily exclude existing single family residential customers from the construction roll off requirement of the franchise until the revised agreement can be formalized. It is anticipated a revised agreement will be available for consideration in Spring 2014.

City Manager Knight noted that as we work towards a permanent solution staff will provide more detailed information about the pro's and con's of requiring an exclusive franchise and provide a list of other cities and how they handle construction roll off disposal.

Motion made by Mayor Bradley to approve the Addendum 2 to the Solid Waste Franchise with Waste Pro as presented; seconded by Commissioner Sprinkel.

City Manager Knight acknowledged Mayor Bradley's request that this be placed on a future agenda for follow up.

Adrianna Sekula, Home Builders Association of Metro Orlando, spoke in favor.

Lurlene Fletcher, 790 Lyman Avenue, asked for clarity regarding the current garbage pickup schedule.

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. Request of Request of Ramber Arlington LLC: Subdivision or Lot Split approval to divide the property at 1280 Arlington Place, Zoned R-2, into two lots.

Per the applicant's request, this item was postponed to December 9, 2013.

- b. Request of Nort Northam:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE AND TO INDICATE THE ANNEXATION OF THIS

PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) ZONING ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read both ordinances by title.

Planning Manager Jeff Briggs explained that the applicant Nort Northam is requesting that the City establish Commercial Future Land Use and Commercial (C-3) zoning to match the Commercial (C-1) zoning that the property has in Orange County. He said that the applicant purchased this property to add to his adjacent commercial properties at 2650 and 2600 W. Fairbanks Avenues.

Mr. Briggs summarized the zoning/land use history on this property for both Orange County and City. In 1965, this vacant property was rezoned by Orange County to Commercial (C-1). The Orange County Comprehensive Plans from the 1970's-1980's had this property as commercial on the County's future land use map. Then in 1991 when Orange County updated their Comprehensive Plan, the future land use designation was changed to Low Density Residential likely due to its adjacency with residential homes. However, the property was never administratively rezoned in accordance with that designation so for the past 23 years the Orange County Comprehensive Plan has said Residential but the Orange County zoning has said Commercial. He explained that when Mr. Northam purchased the property in May of 2012, neither he nor the sellers (the Gallagher Family Trust) had any idea the conflict existed.

Mr. Briggs explained that Mr. Northam has subsequently hired a professional planner, Adam Diona of Urban Land Resources, to assist him with getting this corrected. He said that currently Orange County's Comprehensive Plan future land and zoning are still in effect until the City remedies this conflict. The Comprehensive Plan Future Land Use of residential does not allow commercial development on this property. However, the Commercial (C-1) zoning does not allow residential development on this property so it is not buildable or usable for either residential or commercial use with this conflict in place.

Mr. Briggs stated that the applicant purchased this property with the desire of adding it to his Fairbanks Avenue holdings to be part of an overall future redevelopment of all of that Fairbanks property. In that context, this "rear" portion would likely wind up being used as parking area or for stormwater retention. Staff recommended that the City establish the commercial land use designations conditioned upon this property's consolidation with the Fairbanks parcels, so that it is not developed independently.

Mr. Briggs advised that the Planning & Zoning Board recommended approval with the condition upon consolidation with the Fairbanks Avenue property. Mr. Briggs answered questions including building and property setback limits.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading (Comprehensive Plan); seconded by Mayor Bradley.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading (Zoning); seconded by Mayor Bradley.

Commissioner Cooper referenced Orange County's Zoning Code and suggested that the City adopt similar language in an effort to help mitigate the impact on adjacent residential areas.

Motion amended by Commissioner Cooper that we designate and zone this property as parking lot property as opposed to commercial property (and the parking lot is in support of this commercial property and can only be developed with this commercial property). Motion failed for lack of a second.

Adam Diona, 1287 Harmon Avenue, represented the applicant. He spoke about the topography of the parcel and provided clarity regarding their intended future use.

No further public comments were made.

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

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT PORTION OF GAINES WAY LYING BETWEEN 610 GAINES WAY AND 1760 GAINES WAY, MORE PARTICULARLY DESCRIBED HEREIN BUT RETAINING AND RESERVING TO THE CITY A UTILITY EASEMENT OVER THE ENTIRE AREA THEREOF. First Reading.

Attorney Brown read the ordinance by title.

Public Works Director Troy Attaway explained that the current property owner is requesting to abandon a portion of Gaines Way since he/she owns all three parcels of land. The City will reserve a utility easement over all portion of the right-of-way being vacated and there is no objection from the City Engineer.

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

Fire Chief Jim White answered questions related to emergency access to the property. Mr. Attaway responded to Mayor Bradley's suggestion to possibly create a cul-de-sac on one side of the road for turnaround purposes by stating that staff will look into this. Attorney Brown provided legal counsel regarding the abandonment and the need to reserve a City utility easement for future use.

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.**

Public Comment (5:00 p.m.)

Joan Cason, 1915 Woodcrest Drive, commented on the newspaper article written by Beth Kassab regarding Historic Preservation.

Sally Flynn, 1400 Highland Road, felt that the Commission should allow the Consultant Myles Bland to present his Historic Preservation report in an open public forum.

Vicki Krueger, 200 Carolina Avenue #201, spoke about charitable giving during the holiday season by announcing her recent donation to the Winter Park Day Nursery and the Jewish Family Services of Winter Park.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary reassured the residents that the Commission is looking forward to hearing the Historic Preservation Board recommendations. He wished everyone a Happy Thanksgiving.

b. Commissioner Sprinkel

Commissioner Sprinkel said she enjoyed talking to the students last week at Glenridge Middle School regarding the overall election process and the actual steps that need to be taken in order to become an elected official.

Commissioner Sprinkel announced that she attended a luncheon speaking engagement today whereby Genean McKinnon spoke about her mother Paula Hawkins being involved in the Florida House of Representatives which was very enlightening.

c. Commissioner Cooper

Commissioner Cooper mentioned that the Florida League of Cities Growth Management Committee adopted two new priorities this year and will focus on small businesses and community block grant funds. Last week she attended the Myles Bland presentation to the Historic Preservation Board. She said it was very informative and encouraged community input.

d. Commissioner McMacken

Commissioner McMacken said at the last meeting they discussed many different potential parking alternatives for downtown and shared his disappointment with them not discussing the restriping of Morse Boulevard. He asked for support to include it in their next discussion whereby a majority declined.

e. Mayor Bradley

Mayor Bradley wished everyone a Happy Thanksgiving.

The meeting adjourned at 5:10 p.m.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham



city commission agenda item

item type	Consent Agenda	meeting date	December 9, 2013
prepared by department division	Purchasing Division	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	

Purchases over \$50,000

	vendor	item background	fiscal impact	motion recommendation
1.	TBD	Lake Killarney Outfall dredging project.	Total expenditure included in FY14 budget. Amount: \$100,000.00	Commission to approve Blanket Purchase Order to Awarded Firm for Dredging for CIP project.
The City is in the processing of finalizing quotes and pursuant to an award and authorizes the department to use a BPO for the project.				
2.	Don Reid Ford, Inc.	Replacement of 4 Police Vehicles	Total expenditure included in FY14 budget. Amount: \$100,032.00	Commission to approve PR153848 to Don Reid Ford, Inc.
This purchase will be made utilizing the Florida Sheriff's Association contract #13-21-0904 with approved vehicle/equipment replacement fund approved by City Commission.				
3.	Duval Ford and Isuzu	Replacement of Utility Crew Trucks	Total expenditure included in FY14 budget. Amount: \$253,896.00	Commission to approve PR153846 to Duval Ford and Isuzu.
This purchase will be made utilizing the Florida Sheriff's Association contract #13-21-0904 with approved vehicle/equipment replacement fund approved by City Commission.				
4.	Waste Pro of Florida (ORL)	Blanket Purchase Order #151633 for Waste Pro of Florida	Total expenditure included in FY14 budget. Amount: \$2,150,000.00	Commission approve after the fact Blanket Purchase Order #151633 to Waste Pro of Florida (ORL)
The City Commission approved award of RFP-6-2009 on April 27, 2009. This Blanket Purchase Order will expire 9/30/14.				

Contracts

	vendor	item background	fiscal impact	motion recommendation
5.	Pine Lake Nursery	IFB-1-2014 Lee Road Median Tree Project	Total expenditure included in FY14 budget. Amount: \$51,079.00	Commission to approve award and subsequent Purchase Orders to Pine Lake Nursery and authorizes the Mayor to execute the Contract.
The City utilized a competitive formal solicitation process to award this contract.				

Piggyback Contract

	vendor	item background	fiscal impact	motion recommendation
6.	T.V. Diversified, Inc.	Piggyback the City of Boca Raton contract for Wastewater Lift Station(s) Rehabilitation Bid No. 2010-038.	Total expenditure included in approved FY14 budget.	Commission approve piggybacking Boca Raton Bid No. 2010-038, and authorize the Mayor to execute Purchase Orders for services on an as needed basis.
The City of Boca Raton utilized a competitive formal solicitation process to award this contract.				



city commission agenda item

item type	Consent Agenda	meeting date	December 9, 2013
prepared by department division	Wes Hamil, Finance Director Finance	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

Budget adjustment to appropriate a \$25,000 for street paving materials

motion | recommendation

Approve budget adjustment

background

The City received a contribution in September 2013 (FY 2013) to be used for paving a portion of Lewis Drive. This budget adjustment increases the FY 2014 street paving materials budget by the amount of the contribution. The work is projected to be completed in the first quarter of FY 2014.

alternatives | other considerations

fiscal impact

No impact to bottom line as the work was estimated to cost no more than \$25,000

long-term impact

strategic objective

CITY OF WINTER PARK

BUDGET ADJUSTMENT

SUBMITTING DEPARTMENT: Public Works ADJUSTMENT NUMBER: _____DATE: 10/10/2013 GROUP NUMBER: _____

SOURCE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
001-0000-382.10-00	Fund balance carryforward		25,000
TOTAL			<u>25,000</u>

USE OF FUNDS:			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PROJECT NUMBER	ADJUSTMENT
001-3115-541.53-40	Street paving materials		25,000
TOTAL			<u>25,000</u>

REASON FOR ADJUSTMENT REQUEST:

Appropriate contribution received in September 2013 (FY 2013) to extend street paving on to private property. The work will be performed by the City in FY 2014.

APPROVALS:

Wes Hamil Finance Director	Commission Approval Date	Randy Knight City Manager	11/21/2013 Date
	11/20/2013 Date	Troy Attaway Department Head	11/20/2013 Date



city commission agenda item

item type	Consent Agenda	meeting date	December 9, 2013	
prepared by department division	Jerry Warren, Director Electric Department	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

subject

Second Amendment to the Native Load Firm Fixed Capacity and Partial Requirements Transaction Confirmation Between City of Winter Park, FL and Florida Power & Light Company dated August 12, 2013

motion | recommendation

- 1) Authorize the Mayor to execute the Second Amendment to the Native Load Firm Fixed Capacity and Partial Requirements Transaction Confirmation Between City of Winter Park, FL and Florida Power & Light Company dated August 12, 2013.

background

At its August 12 meeting, the City Commission approved Power Supply agreements with the Orlando Utilities Commission and Florida Power & Light Company (FPL). Under the associated transaction confirmation approved with FPL, FPL is obligated to deliver up to 23 MW from January 1, 2014 through June 30, 2014 and up to 13 MW July 1, 2014 through December 31, 2014. On October 28, the City Commission approved the First Amendment to the FPL agreement which increased the purchase amount from 13 MW to 23 MW for the period July 1 2014 through December 31, 2014. The increase in the purchased amount was to offset the 10 MW purchase from Covanta Energy which will be deferred until at least January 1, 2015. Purchase of firm capacity from FPL requires transmission capacity across both FPL's and Duke's transmission system. Staff has been working with FPL to acquire the necessary firm transmission capacity. Unfortunately, firm monthly capacity is not available in all months and staff and FPL have therefore implemented a strategy of acquiring firm transmission capacity on a weekly and daily basis, as necessary to provide for the appropriate transmission capacity. We have acquired appropriate firm capacity on Duke's transmission system for all but 17 days (over 95% for the year). Staff will continue to work with FPL to acquire daily, weekly, and even hourly capacity as it becomes available. Should FPL reach a point that transmission is not available for the following day (not expected), it has agreed to purchase power from available resources located on Duke's transmission system in order to have the transmission capacity required to schedule/ship the power to the city of Winter Park. The purpose of the amendment is to provide a mechanism for the City to reimburse FPL if any such purchases are required.

Fiscal impact

Transmission capacity limitations that would require FPL to purchase power within the Duke Transmission system are not expected. The amendment is only intended to create a backup mechanism if sufficient transmission capacity is not available. If limitations do occur, those limitations would happen in only a limited number of hours (i.e. less than 4-6 hours per day or less than 1% of the time on an annual basis. Reimbursement for more expensive replacement power for a small number of hours for a portion of the power supply portfolio would not have a material impact on the City's overall cost of power supply.

Attachments:

FLORIDA POWER & LIGHT COMPANY:

SECOND AMENDMENT TO THE NATIVE LOAD FIRM FIXED CAPACITY AND
PARTIAL REQUIREMENTS TRANSACTION CONFIRMATION BETWEEN CITY OF
WINTER PARK, FL AND FLORIDA POWER & LIGHT COMPANY DATED AUGUST
12, 2013

**SECOND AMENDMENT TO THE NATIVE LOAD FIRM FIXED CAPACITY AND
PARTIAL REQUIREMENTS TRANSACTION CONFIRMATION
between City of Winter Park, FL and Florida Power & Light Company
dated August 12, 2013**

Whereas, Florida Power & Light Company (“Seller”) and the City of Winter Park, Florida (“Buyer”) entered into a Transaction Confirmation (the “Native Load Firm Transaction” or “Transaction Confirmation”) that sets forth the terms and conditions of a transaction between Seller and Buyer pursuant to Florida Power & Light Company’s FERC Electric Tariff No. 1 (“Tariff”); and

Whereas, Seller and Buyer entered into that certain First Amendment to the Native Load Firm Transaction dated October 28, 2013 increasing the quantity of Power and Energy furnished from July 1 – December 31, 2014;

Whereas, Seller and Buyer desire to further amend certain aspects of the Native Load Firm Transaction as set forth below.

Now Therefore, for good and valuable consideration the receipt of which is acknowledged, the Parties agree as follows:

- 1) *At the end of Section 8(a) of the Native Load Firm Transaction add the following revision:*

The Parties acknowledge that there may be certain hours during January 1 2014 to June 30, 2014 that transmission service from either FPL Transmission or DEF Transmission may not be available for purchase to deliver all or a portion of the Fixed Capacity from available Electric Resources. During those hours, if any, the Parties agree that Appendix F shall be used to minimize associated energy imbalances.

- 2) *At the end of Section 8(b), as amended, of the Native Load Firm Transaction add the following revision:*

The Parties acknowledge that there may be certain hours during July 1, 2014 to December 31, 2014 that transmission service from either FPL Transmission or DEF Transmission may not be available for purchase to deliver all or a portion of the Fixed Capacity from available Electric Resources. During those hours, if any, the Parties agree that Appendix F shall be used to minimize associated energy imbalances.

- 3) *Make the following changes to Section 10(a):*

- a) Delete the word “and” at the end of Section 10(a)(iii)
- b) Add the word “and” at the end of Section 10(a)(iv) and delete the period
- c) Add a new Section 10(a)(v) as follows: “(v) Market Purchases Costs.”

- 4) *Make the following changes to Section 10(b):*
- a) Delete the word “and” before the phrase “the MEFP set forth on Appendix C” and delete the period.
 - b) Add the following phrase at the end of Section 10(b): “and the Market Purchases Costs set forth on Appendix F.”
- 5) *Add Appendix F at the end of the Native Load Firm Transaction as follows:*

Appendix F: Seller Delivery Provisions during Periods of Unavailable Transmission

From January 1, 2014 to December 31, 2014 for any portion of the Fixed Capacity, up to 23 MW, that is scheduled in accordance with Appendix E but is unable to be delivered from Seller’s Electric Resources due to transmission unavailability, Seller shall use commercially reasonable efforts to supply Buyer from Market Purchases. “Market Purchases” means Seller’s purchases for the sole purpose of supplying Buyer from (i) generation resources located outside of Seller’s franchised service territory, which is the geographic area that Seller has a statutory obligation to serve under Florida law; (ii) other than Seller’s owned or controlled generation; and (iii) other than pre-existing purchased power assets of Seller as of the Transaction Date; provided further that any such Seller’s purchase is not included in the MEFP Calculation pursuant to Appendix C, Monthly Energy Fuel Payment Calculation, of the Native Load Firm Transaction. The Buyer shall pay, or reimburse Seller if Seller has paid, the purchase price associated with the Market Purchases, including any taxes, costs, and transmission expenses actually incurred (collectively, “Market Purchases Costs”). Seller shall include actual Market Purchases Costs in each monthly bill. The total MWh’s associated with the Market Purchases shall not be included in the calculation of the MEFP and MENFP calculation.

- 6) Except as set forth above, all other rates, terms and conditions of the Native Load Firm Transaction as amended by the First Amendment remain in full force and effect.

Agreed to as of December __, 2013.

FLORIDA POWER & LIGHT COMPANY CITY OF WINTER PARK, FLORIDA

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____



city commission agenda item

item type	Action Item Requiring Discussion	meeting date	December 9, 2013
prepared by department division	Dori Stone Planning & Community Develop.	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	CRA Advisory Board	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> N/A	6-0 final vote

Subject

Request to advertise two city-owned parcels of land through the Notice of Disposal process pursuant to Chapter 163.380, Florida Statutes under separate notices

motion | recommendation

Approve two advertisements of two parcels of land located at 300 N. Pennsylvania Avenue and 321 Hannibal Square W. located within the CRA for possible development options.

background

CRA staff has received multiple requests to consider development options which include the purchase of the city-owned property located at 300 N. Pennsylvania Avenue. The CRA staff has also received inquiries about the property located at 321 Hannibal Square W. Based on the diversity of the requests, staff feels that the most equitable way to evaluate each request is through the solicitation of offers through a Notice of Disposal or NOD process.

The process to advertise the disposal of these properties within the CRA boundary is found under Chapter 163.380, Florida Statutes, which requires the city to advertise the parcel for redevelopment and consider the proposals prior to the disposal of the properties. This process does not obligate the City and the City is also not required to accept any proposals under either NOD.

The property located at 300 N. Pennsylvania was purchased by the City in 1994 and is indicated in the 1994 original CRA Plan as a business/commercial area. The Future Land Use is Commercial and the zoning on the property is C-3 and PL. The land is currently vacant. The office use proposed is compatible with the intent of the CRA Plan to expand the commercial development along Pennsylvania. The property is approximately .45 acre in size.

The parcel located at 321 W. Hannibal Square was purchased by the City in 1991. The 1994 CRA Plan highlights this area as residential but also within the Hannibal Square corridor. A portion of this parcel was incorporated into the development of the Heritage Center, leaving a remnant that does not conform with city zoning requirements. The Future Land Use is residential and the zoning is R-1A.

Both parcels are noted in the 2007 Memorandum of Understanding between the City and the Hannibal Square Community Land Trust as parcels of interest. In the MOU, the HSCLT has the right to petition for a Notice of Disposal (NOD) to develop either site at a point of time that would be advantageous to their organization. In an evaluation from the CRA Agency attorney, the MOU does not prohibit the CRA or the City from advertising the properties for redevelopment. The issuance of a NOD does not prohibit the HSCLT from submitting a development proposal on either parcel.

Staff feels that new and continued development of vacant and underdeveloped parcels within the CRA is beneficial to the purpose and mission of the CRA and its residents and business owners. With the economy beginning to improve, the opportunity to create jobs and add to the tax base of the CRA is significant.

Staff intends to acquire appraisals for both parcels during the advertised timeframe of the NODs.

The CRA Advisory Board did review and recommend moving forward with the NODs. They also requested that the City Commission allow them to review and make a recommendation about the proposals prior to City Commission review.

A copy of both draft NODs are attached for the City Commission's review.

alternatives | other considerations

The City can choose to continue to hold the properties until some future time.

fiscal impact

N/A

long-term impact

N/A

strategic objective

Economic Development

Notice of Intent to Dispose of Property at
300 N. Pennsylvania Avenue, Winter Park, Florida

The City of Winter Park, Florida, intends to dispose of its property at 300 N. Pennsylvania Avenue, Winter Park, Florida, Tax Parcel Identification Number 05-22-30-9400-23-140, also described as Lots 14, 15 and 16, Block 23, Revised Map of the Town of Winter Park, according to the Plat thereof as recorded in Plat Book A, Pages 67 through 72, of the Public Records of Orange County, Florida. The property is zoned O-1 Office District. The City is interested in disposing of this property in return for a commitment to redevelop the site as a commercial use within the Community Redevelopment Area (CRA).

The CRA is obligated to devote such real property only to the uses specified in the Community Redevelopment Plan and demonstrate that the proposed activity will serve to prevent the reoccurrence of slum and blight.

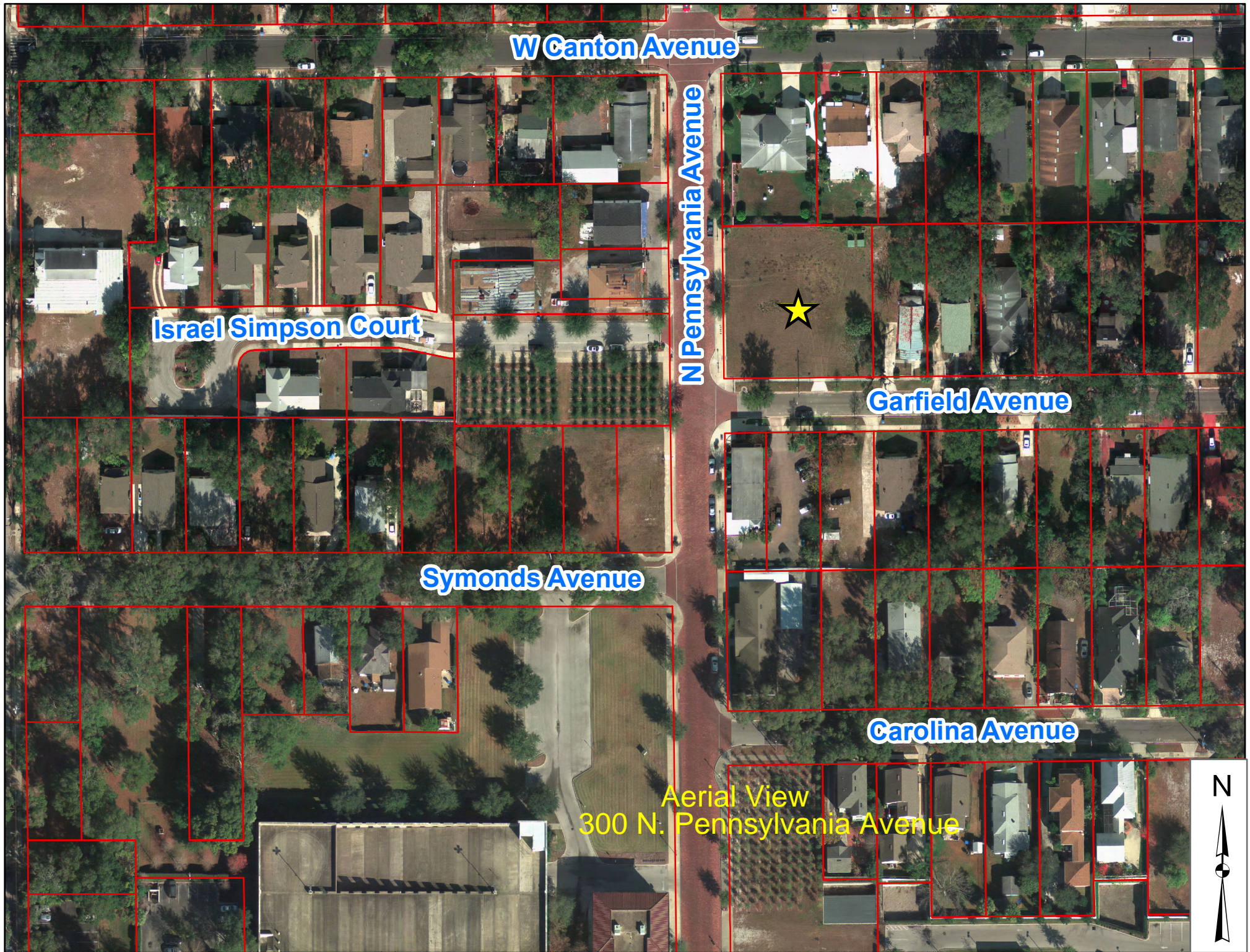
Sealed proposals, 1 original and 5 copies, shall be delivered to the Office of the City Clerk, in City Hall, 401 Park Avenue South, Winter Park, Florida 32789 on or before Monday, March 17, 2014 at 10:00 A.M. or they will not be considered. It is the sole responsibility of the respondent to see that the company or individual's proposal is in the hands of the City, stamped and dated by personnel in the Clerk's office before the due date and time indicated herein.

It is the respondent's responsibility to be sure that all information submitted is correct and complete and that the requirements for the proposal have been met. Failure to do so may cause the proposal to be rejected from consideration. The City reserves the right to accept or reject any or all proposals, in part or in total, as deemed in the best interests of the City. The City accepts no responsibility for any costs incurred during the preparing or presenting of the proposals. All proposals must be submitted in writing; no FAX or telephone proposals will be accepted. ALL PROPOSALS MUST BE MARKED ON THE OUTSIDE OF THE ENVELOPE WITH THE PROPOSAL NAME AND THE TIME AND DATE OF THE OPENING.

This public notice complies with Florida Statutes Section 163.380. Further information is available in the Planning and Community Development Office at City Hall and by calling the Director at 407-599-3665. The notice of the CRA's ultimate disposition of the subject real property to a specific party, and the terms and conditions of the disposition will be made at a duly noticed public meeting.

/s/: Cynthia Bonham, MMC, City Clerk

PUBLISH: _____, 2013 (Orlando Sentinel)



W Canton Avenue

N Pennsylvania Avenue

Israel Simpson Court

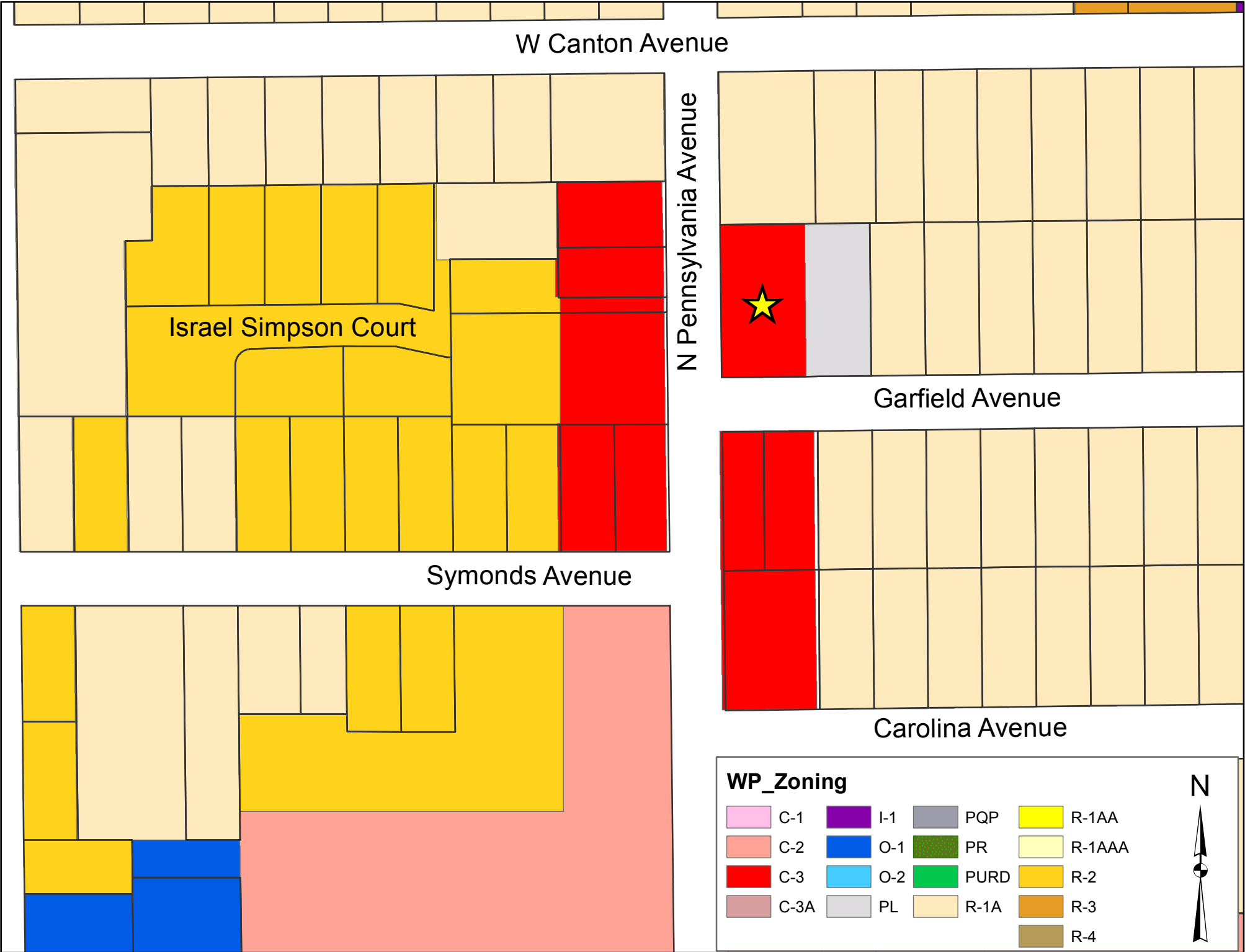
Symonds Avenue

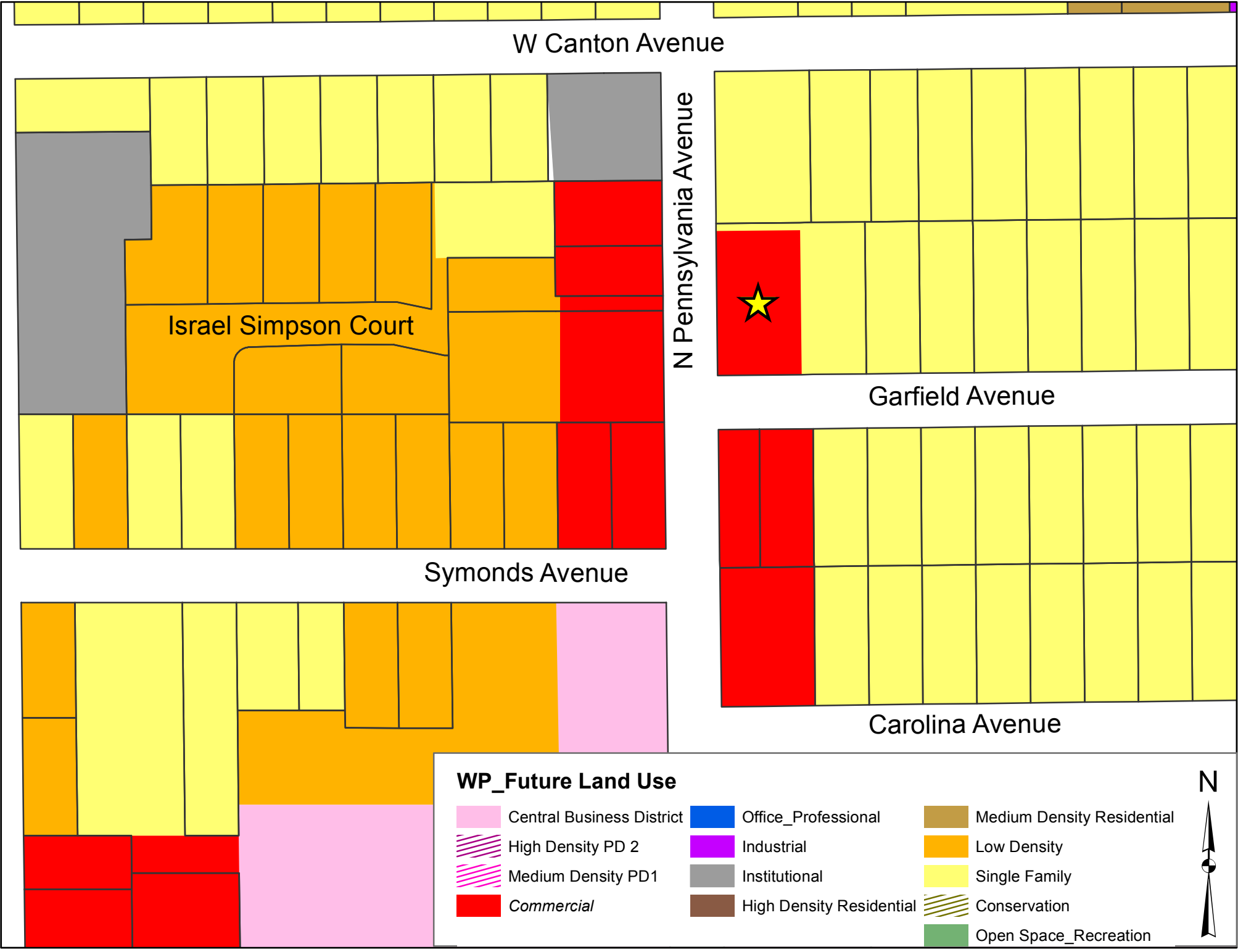
Garfield Avenue

Carolina Avenue

Aerial View
300 N. Pennsylvania Avenue







W Canton Avenue

N Pennsylvania Avenue













Israel Simpson Court

Garfield Avenue

Symonds Avenue

Carolina Avenue

WP_Future Land Use

- | | | |
|---|--|--|
|  Central Business District |  Office_Professional |  Medium Density Residential |
|  High Density PD 2 |  Industrial |  Low Density |
|  Medium Density PD1 |  Institutional |  Single Family |
|  Commercial |  High Density Residential |  Conservation |
| | |  Open Space_Recreation |



**Notice of Intent to Dispose of Property at
321 Hannibal Square W., Winter Park, Florida**

The City of Winter Park, Florida, on behalf of the City of Winter Park CRA Agency, intends to dispose of its property at 321 Hannibal Square West, Winter Park, Florida, Tax Parcel Identification Number, 05-22-30-9400-50-160, also described as Town of Winter Park A/67 & B/86 & Misc Book 3/220, Lot 16, Block 50 of the Public Records of Orange County, Florida. The property is zoned R-1A. The City is interested in disposing of this property in return for a commitment to redevelop the site within the Community Redevelopment Area (CRA).

The CRA is obligated to devote such real property only to the uses specified in the Community Redevelopment Plan and demonstrate that the proposed activity will serve to prevent the reoccurrence of slum and blight.

Sealed proposals, 1 original and 5 copies, shall be delivered to the Office of the City Clerk, in City Hall, 401 Park Avenue South, Winter Park, Florida 32789 on or before Monday, January 20, 2014 at 10:00 A.M. or they will not be considered. It is the sole responsibility of the respondent to see that the company or individual's proposal is in the hands of the City, stamped and dated by personnel in the Clerk's office before the due date and time indicated herein.

It is the respondent's responsibility to be sure that all information submitted is correct and complete and that the requirements for the proposal have been met. Failure to do so may cause the proposal to be rejected from consideration. The City reserves the right to accept or reject any or all proposals, in part or in total, as deemed in the best interests of the City. The City accepts no responsibility for any costs incurred during the preparing or presenting of the proposals. All proposals must be submitted in writing; no FAX or telephone proposals will be accepted. ALL PROPOSALS MUST BE MARKED ON THE OUTSIDE OF THE ENVELOPE WITH THE PROPOSAL NAME AND THE TIME AND DATE OF THE OPENING.

This public notice complies with Florida Statutes Section 163.380. Further information is available in the Planning and Community Development Office at City Hall and by calling the Director at 407-599-3665. The notice of the CRA's ultimate disposition of the subject real property to a specific party, and the terms and conditions of the disposition will be made at a duly noticed public meeting.

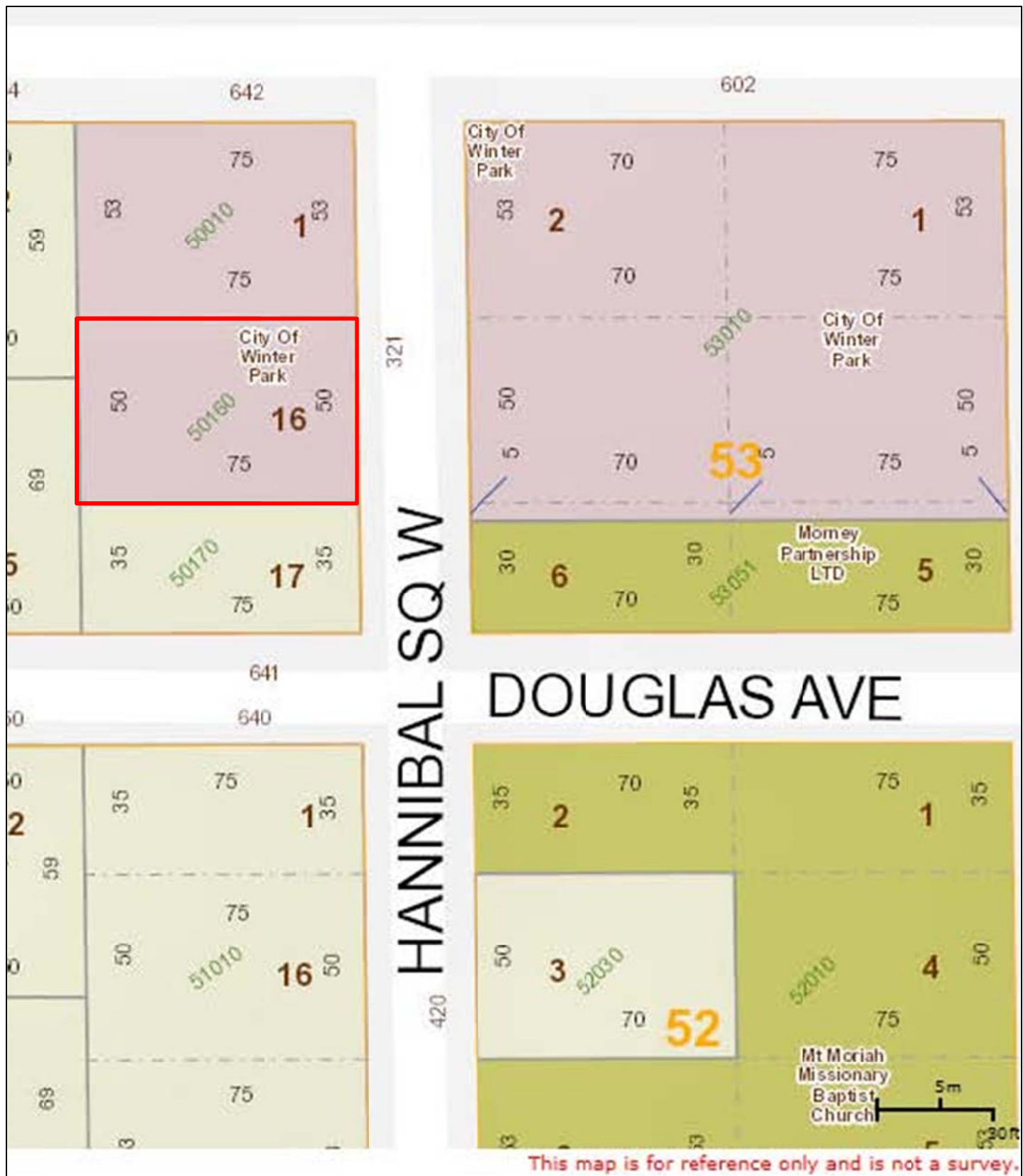
/s/: Cynthia Bonham, MMC, City Clerk

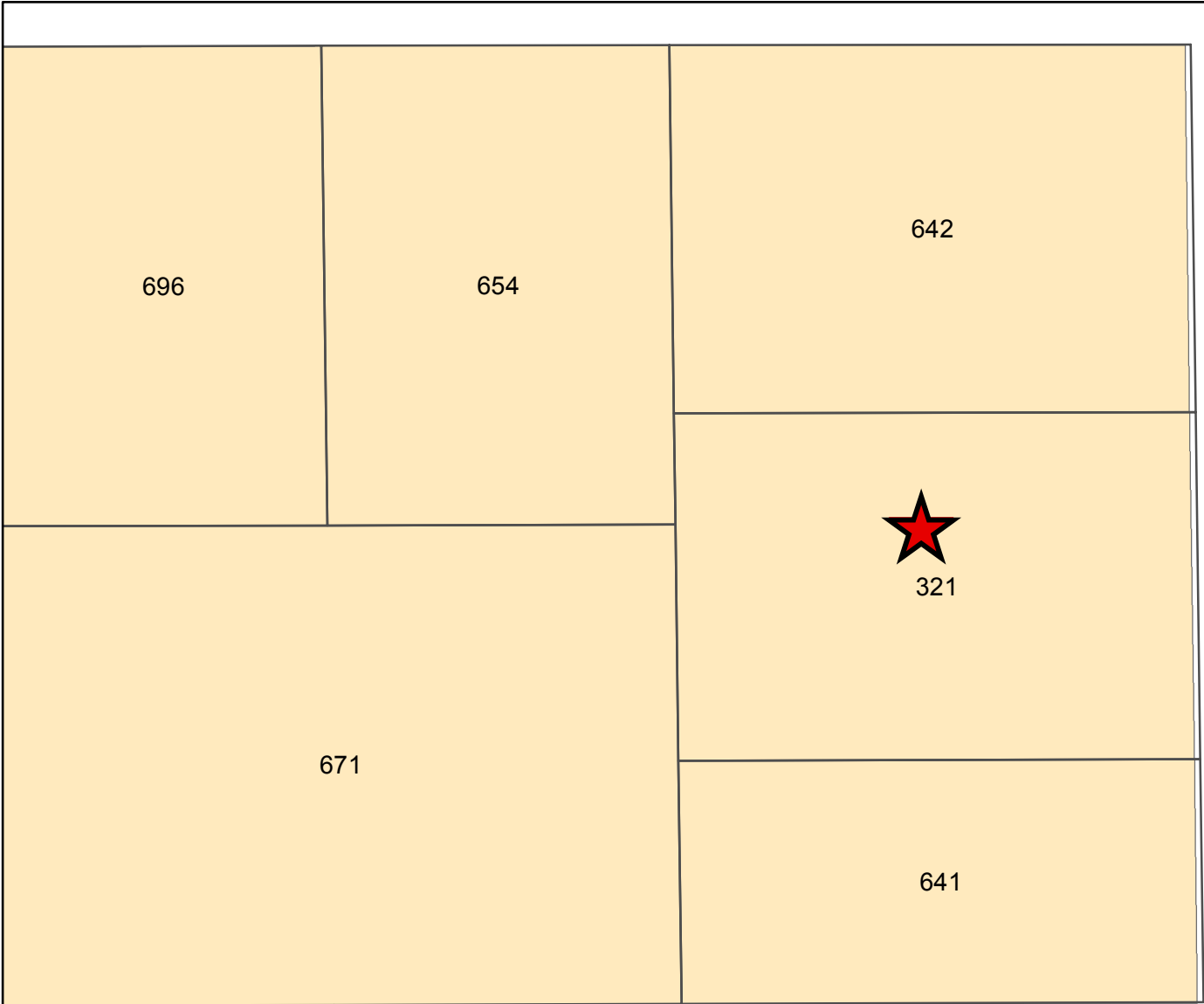
PUBLISH: _____, 2013 (Orlando Sentinel)



Aerial View

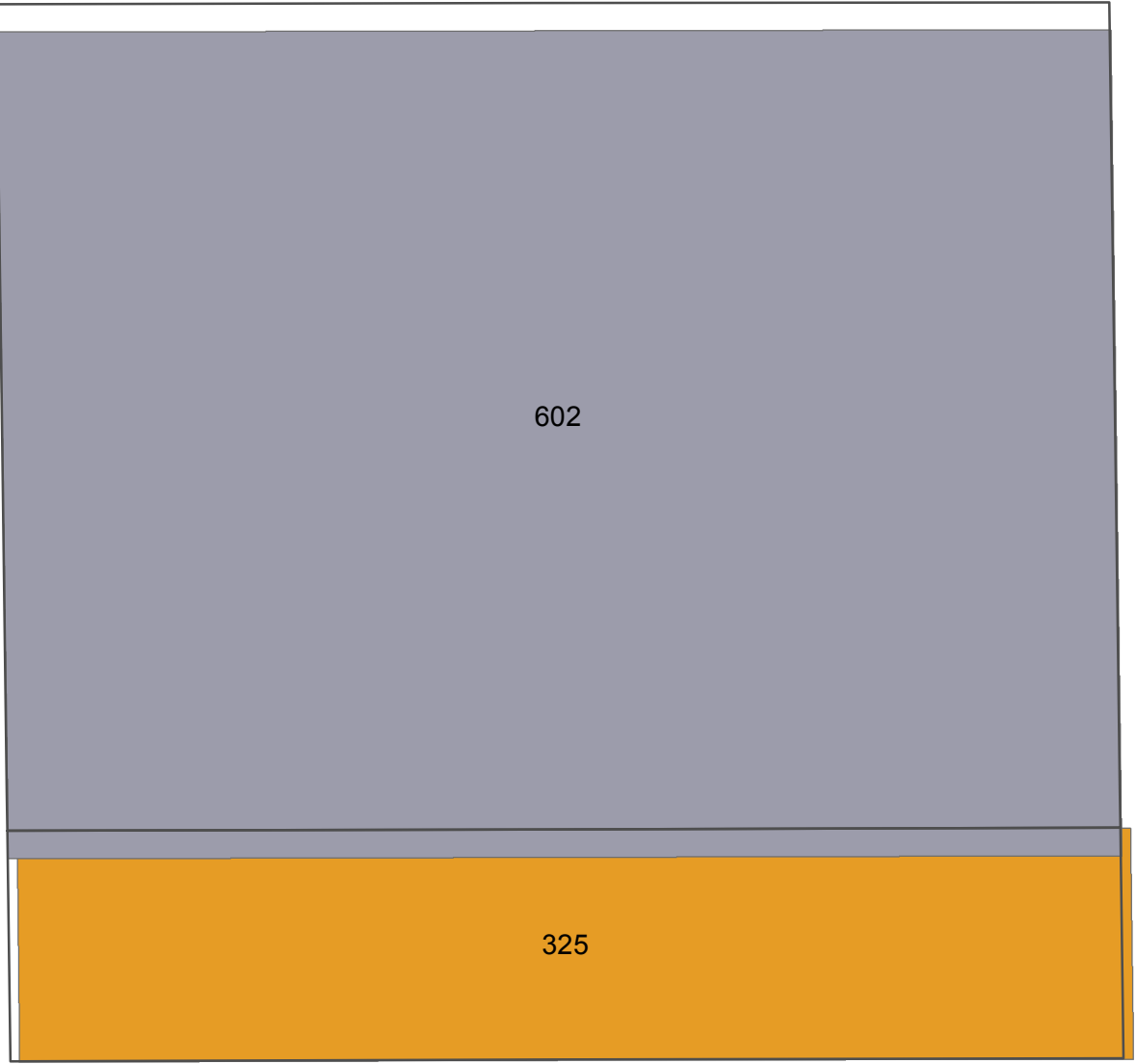
321 Hannibal Square W.



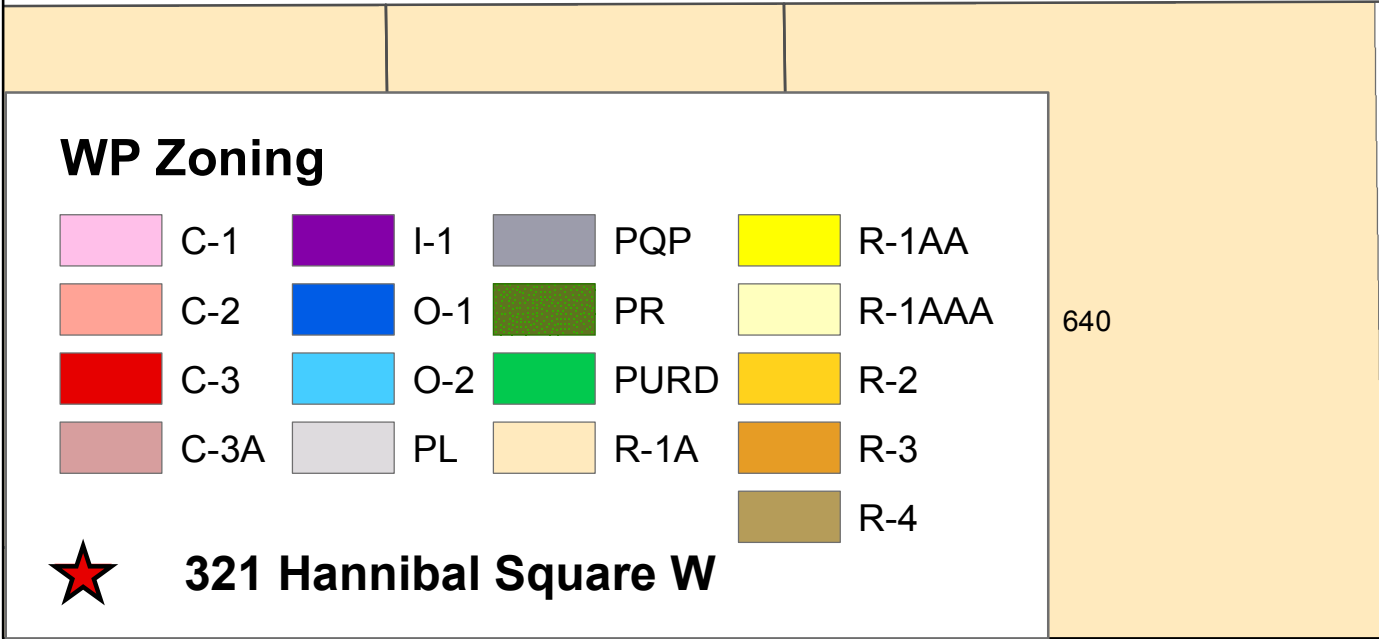


Douglas Avenue













Hannibal Square W



S Pennsylvania Avenue

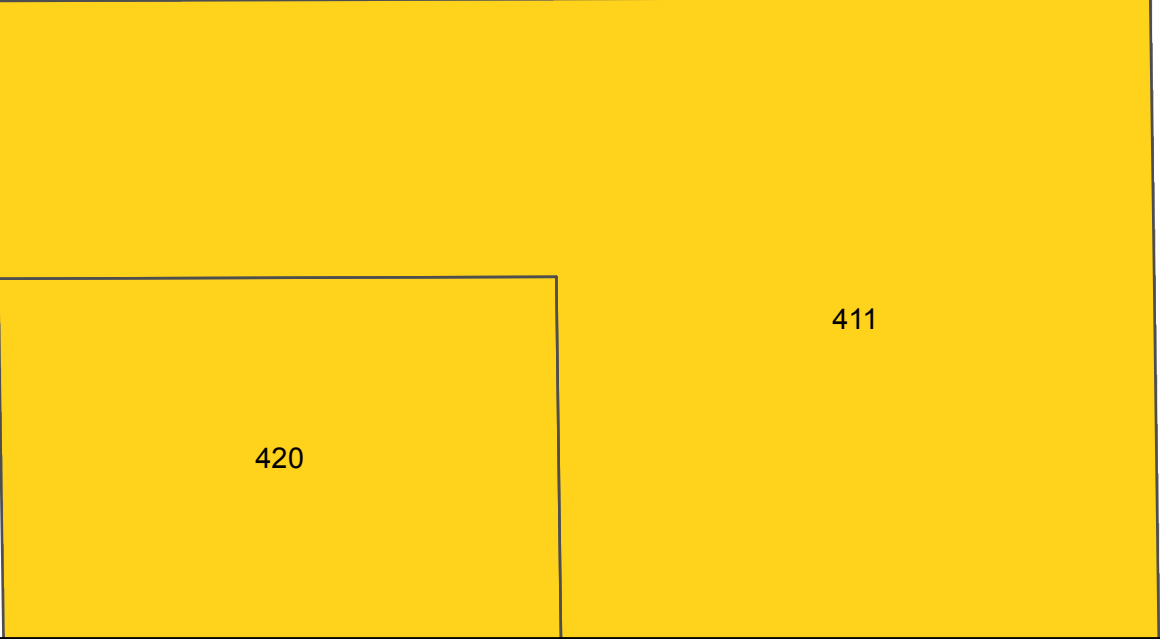


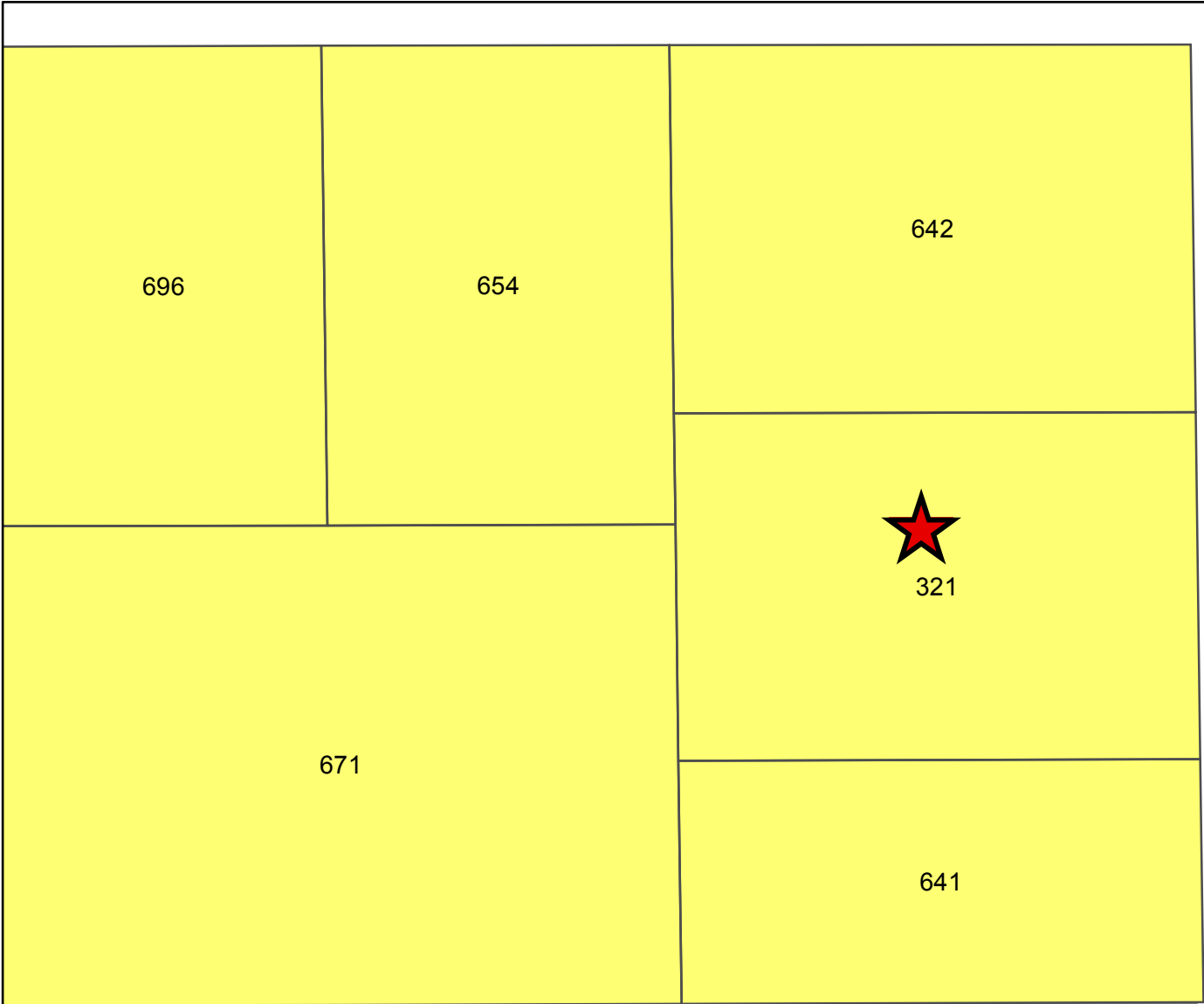
WP Zoning

- | | | | | | | | |
|---|------|---|-----|---|------|---|--------|
|  | C-1 |  | I-1 |  | PQP |  | R-1AA |
|  | C-2 |  | O-1 |  | PR |  | R-1AAA |
|  | C-3 |  | O-2 |  | PURD |  | R-2 |
|  | C-3A |  | PL |  | R-1A |  | R-3 |
| | | | |  | R-4 | | |



321 Hannibal Square W



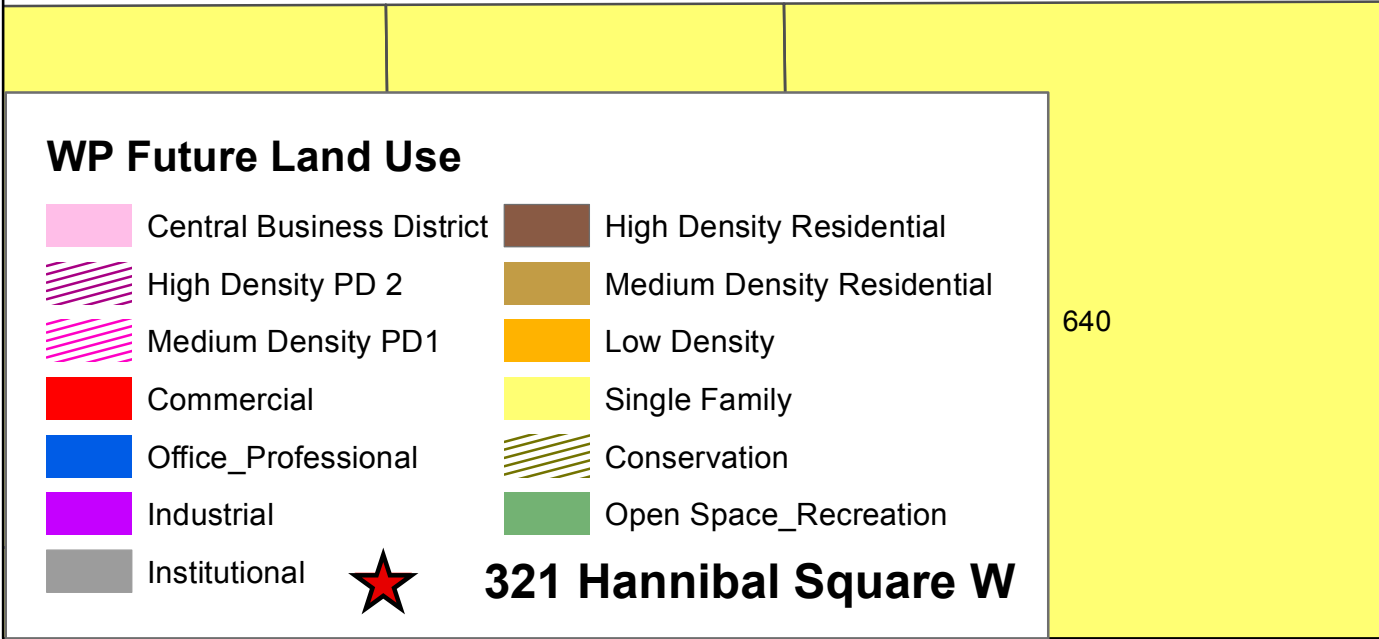


Douglas Avenue

Hannibal Square W



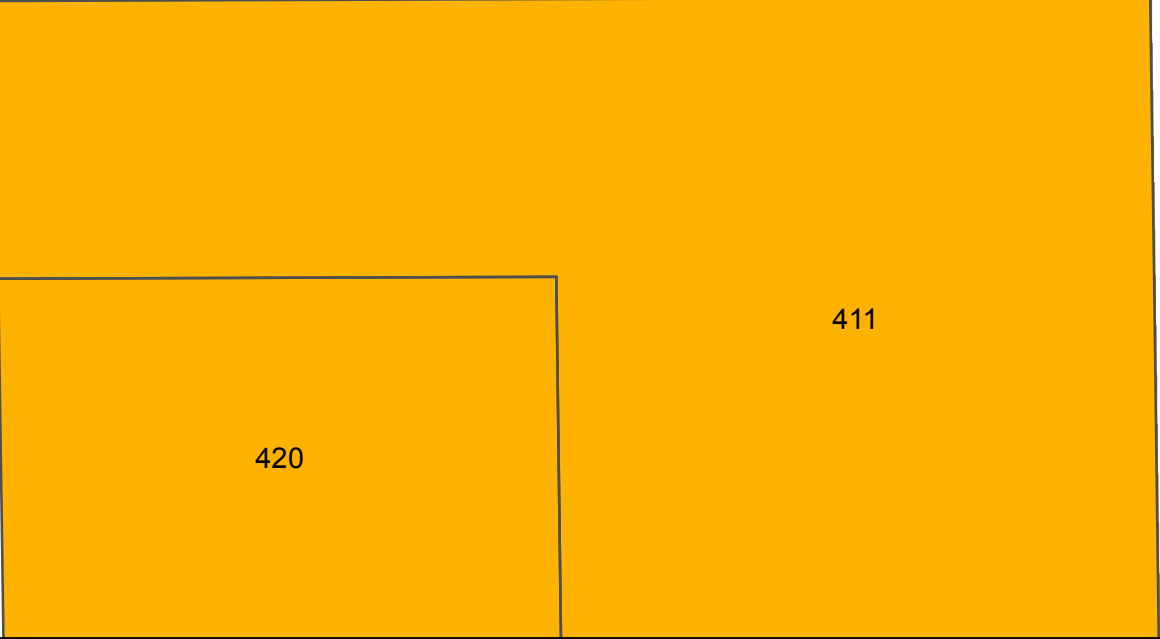
S Pennsylvania Avenue



WP Future Land Use

- | | |
|---------------------------|----------------------------|
| Central Business District | High Density Residential |
| High Density PD 2 | Medium Density Residential |
| Medium Density PD1 | Low Density |
| Commercial | Single Family |
| Office_Professional | Conservation |
| Industrial | Open Space_Recreation |
| Institutional | |

321 Hannibal Square W





city commission public hearing

item type	Public Hearing	meeting date	December 9, 2013
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	7-0 final vote

Subject: Request of Ramber Arlington LLC for Subdivision or Lot Split approval to divide the property at 1280 Arlington Place into two lots.

Mr. Alan Berman (Ramber Arlington LLC) is the owner (since 2006) of the property at 1280 Arlington Place. He is requesting subdivision or lot split approval to divide the property into two single family lots. The zoning is R-2. The property is now vacant. Variances are requested for each lot to be 45 feet in width in lieu of the minimum 50 feet of lot width requirement.

Planning and Zoning Board Recommendation:

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the subdivision/lot split to divide the property at 1280 Arlington Place into two lots. Each lot is to have 45 feet of lot width and 6,750 square feet of lot area and would be restricted to use as a single family home. The motion included a request that the applicant explore a common center driveway leading to garages in the rear.

Motion carried unanimously with a 7-0 vote.

Summary:

This is a different type of lot split request because the applicant is not asking for any additional units or any added building density. The property at 1280 Arlington Place is zoned R-2 and it is 90 feet wide and 13,500 sq. ft. Under the R-2 zoning, which permits one unit for each 4,000 square feet of land, the owner could build a three unit townhouse project on this property of 13,500 sq. ft. The property could also be used for a two unit townhouse. That was their original intent for redevelopment of this property but they would be 'attached' units.

This subdivision request is to split the property into separate 45 foot wide lots so that they may be used for two independent single family homes. The applicant believes that they will be more successful marketing their product as 'stand-alone' single family homes versus attached townhouse units. Even though they are giving up one added unit (three townhouses versus two single family homes) they believe the market is stronger for that type of product.

In the R-2 zoning, the minimum lot width for a single family lot is 50 feet and the minimum lot size is 6,000 sq. ft. of lot area. Each of these proposed lots will have 6,750 sq. ft. of lot area but only 45 feet of lot width, thus the variance request. From the staff's perspective, the lot width variance is immaterial given that the request represents less unit density and is compatible with the street character.



CITY OF WINTER PARK Planning & Zoning Board

Regular Meeting
City Hall, Commission Chambers

November 5, 2013
6:00 p.m.

MINUTES

REQUEST OF RAMBER ARLINGTON LLC FOR: SUBDIVISION OR LOT SPLIT
APPROVAL TO DIVIDE THE PROPERTY AT 1280 ARLINGTON PLACE, ZONED R-2,
INTO TWO LOTS.

Planning Manager Jeffrey Briggs presented the staff report and explained that Mr. Alan Berman (Ramber Arlington LLC) has owned the subject property, which is currently vacant, since 2006. He explained that he is requesting subdivision/lot split approval to divide the property into two single family lots. He noted that the property is currently zoned R-2 and it is 90 feet wide and 13,500 sq. ft. He said that variances are requested for each lot to 45 feet in width in lieu of the minimum 50 feet of lot width requirement. He added that the applicant is not asking for any additional units or any added building density. Mr. Briggs reviewed the development standards for R-2 zoning. This subdivision request is to split the property into separate 45 foot wide lots so that they may be used for two independent single family homes. The applicant believes that they will be more successful marketing their product as 'stand-alone' single family homes versus attached townhouse units. Even though they are giving up the potential for one added unit (three townhouses versus two single family homes) they believe the market is stronger for that type of product. He said that this request is compatible with the character of the surrounding neighborhood. From the staff's perspective, the lot width variance is immaterial given that the request represents less unit density and is compatible with the street character. Staff recommended approval of the request. Mr. Briggs responded to Board member questions.

Alan Berman, the applicant, was present to address questions and concerns. He agreed with the recommendation of staff.

Mary Randall, 1007 South Kentucky Avenue, stated that she is opposed to reducing the frontage. She said that she does not feel that 45 feet is enough.

Donna Colado, 327 Beloit Avenue, expressed concern with the front facing garages for each unit, since the lots would be smaller than typical.

Georgia Roark, 1258 Arlington Place, spoke concerning responsible growth and the loss of affordable rental units in the surrounding area.

No one else wished to speak concerning the request. Public Hearing closed.

Mr. Gottfried spoke in favor of the request for two single family homes versus the potential of a two or three unit condo, indicating that the applicant was giving up the potential for a third residential unit. He did express concern about the potential for two front facing two cars garages on these narrow lots. Mr. Weldon also spoke in favor agreeing that single family homes matched the character of this street. Mr.

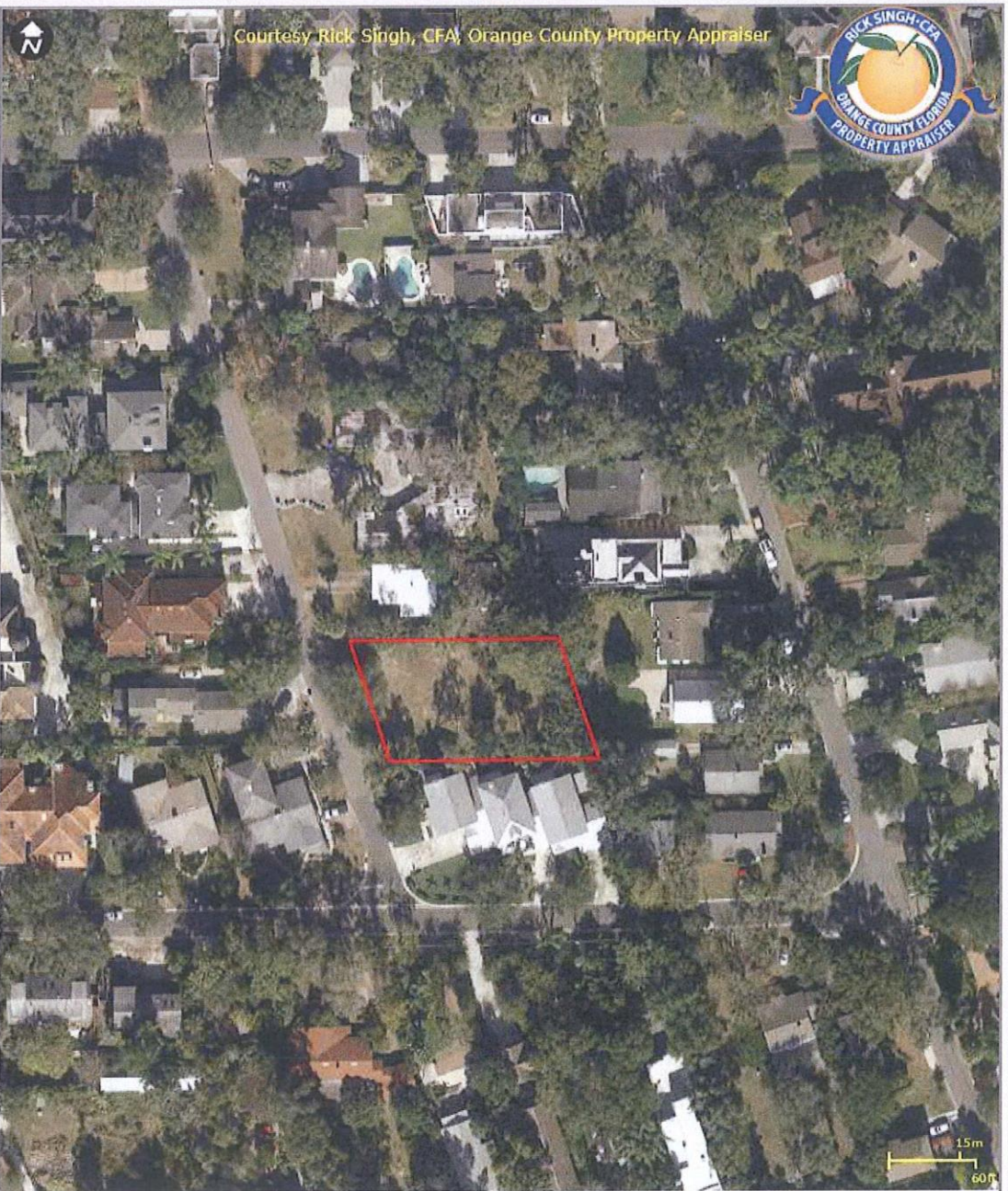
Slocum agreed that the proposed housing is more compatible in scale with the neighborhood. Mr. Sacha and Mrs. De Ciccio asked if it were possible to locate the garages on the side versus facing the street. Mr. Slocum explained that it could be done with a center shared driveway design. The Board members agreed that this was preferable but did not feel it should be mandated for this request.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to approve the subdivision/lot split to divide the property at 1280 Arlington Place into two lots. Each lot is to have 45 feet of lot width and 6,750 square feet of lot area and would be restricted to use as a single family home. The motion included a request that the applicant explore a common center driveway leading to garages in the rear.

Motion carried unanimously with a 7-0 vote.

OCA Web Map

Florida Turnpike	Major Roads	Proposed Road	Residential	Commercial/Industrial/Vacant Land	Parks	6 Lot Number
Interstate 4	Public Roads	Brick Road	Agriculture	Agricultural Curtilage	Lakes and Rivers	06060 Parcel Number
Toll Road	Gated Roads	Block Line	Commercial/Institutional	Hydro	Building	3106 Parcel Address
Road Under Construction	Lot Line	Governmental/Institutional/Misc	Waste Land	Block Number	111.9 Parcel Dimension	

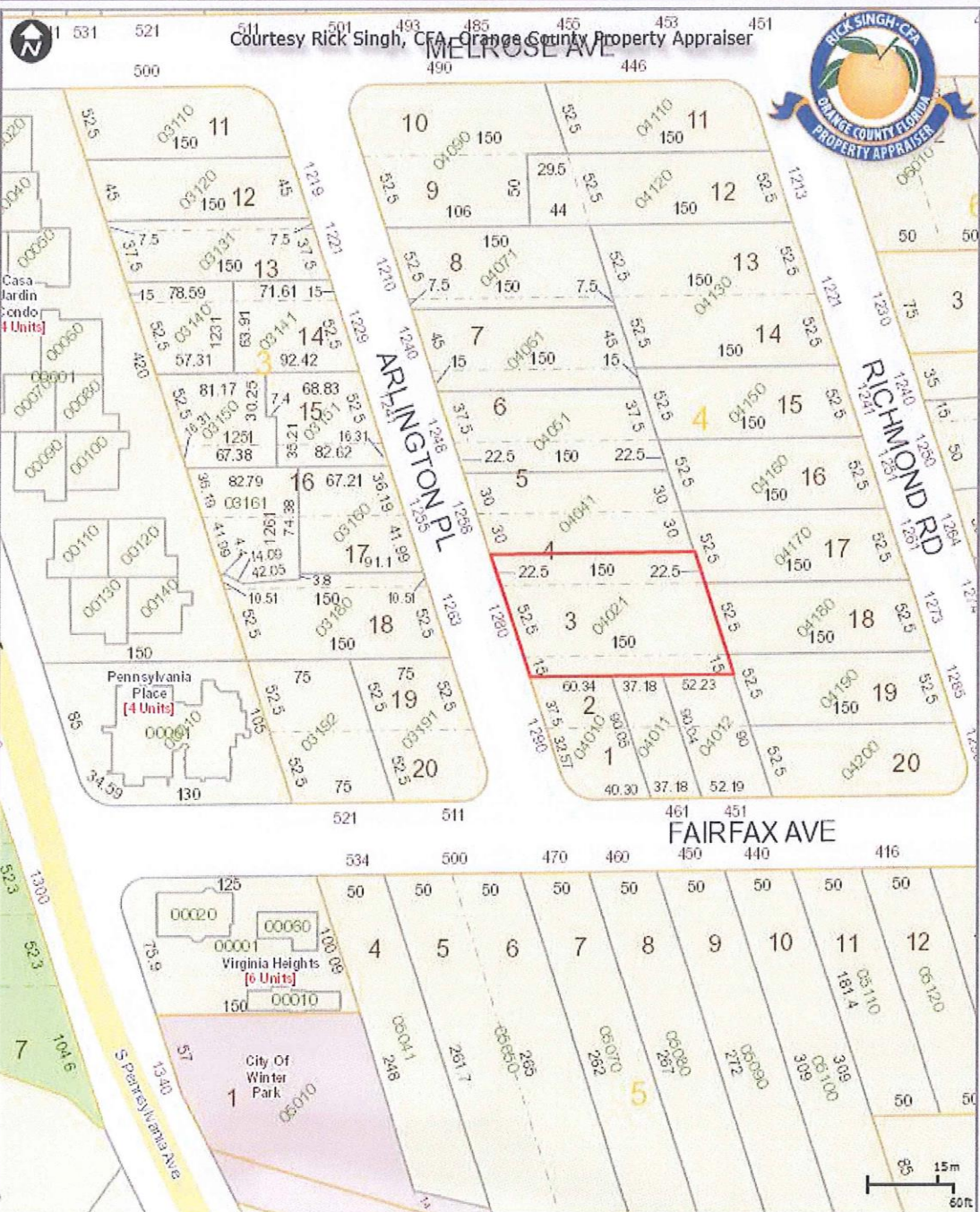


Created: 10/22/2013

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

OCA Web Map

	Major Roads		Proposed Road		Residential		Commercial/Industrial/Vacant Land		Park	6	Lot Number
	Public Roads		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers	06060	Parcel Number
	Gated Roads		Block Line		Commercial/Institutional		Hydro		Building	3106	Parcel Address
	Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land	E	Block Number	111.9	Parcel Dimension



Created: 10/22/2013

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



city commission public hearing

item type	Public Hearing	meeting date	December 9, 2013
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	7-0 final vote

Subject: **SECOND READING - Request of Nort Northam to establish Commercial future land use and C-3 zoning on the annexed property at 656 Overspin Drive.**

Mr. Nort Northam, is the owner of the property at 656 Overspin Drive and is requesting that the City establish Commercial future land use and Commercial (C-3) zoning to match the Commercial (C-1) zoning that the property has in Orange County that was annexed into the City in September 2012. Mr. Northam purchased this property to add to his adjacent commercial properties at 2650 and 2600 W. Fairbanks Avenue.

Planning and Zoning Board Recommendation:

Motion made by Mr. Gottfried, seconded by Mrs. De Ciccio to establish a commercial future land use designation on the annexed property at 656 Overspin Drive, conditioned upon consolidation with the Fairbanks Avenue property. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to establish commercial (C-3) district zoning on the annexed property at 656 Overspin Drive, conditioned upon consolidation with the Fairbanks Avenue property. Motion carried unanimously with a 7-0 vote.

Summary:

The zoning/land use history on this property is complicated. In 1965 this vacant property was rezoned by Orange County to commercial (C-1). The Orange County Comprehensive Plans from the 1970's-1980's had this property as commercial on the county's future land use map. Then in 1991 when Orange County updated their Comprehensive Plan, the future land use designation was changed to low density residential (likely due to its' adjacency with residential homes). However, the property was never administratively rezoned in accordance with that designation. So for the past 23 years the Orange County Comp. Plan has said residential but the Orange County Zoning has said commercial.

At the time Mr. Northam purchased the property in May of 2012, neither the sellers (the Gallagher Family Trust) nor the buyer (Nort Northam) had any idea there was a difference. The Orange County Property Appraiser's website shows the zoning as C-1 and the Orange County Zoning Dept. tells you it is zoned C-1. The Orange County Planning Dept. however, tells you it is low density residential future land use.

This same request was on our agenda back in September, 2012 in conjunction with the annexation. That was when this land use conflict matter was discovered. So at that time, the land use/zoning portion was withdrawn until the owner could research the situation with Orange County.

Mr. Northam subsequently hired Adam Diona of Urban Land Resources to meet with the Orange County officials. Presumably, Orange County's concern in 1991 was having this property developed independently as a commercial business on a street (Overspin Drive) that is a residential street. However, since it happened 23 years ago, no one can recall whether it was done by design or by accident. All Orange County will do at this time is confirm the situation and they offered some potential conditions that would mitigate impact on adjacent residential if developed commercially such as indoor retail use only, a six foot masonry screen wall and enhanced setbacks. All of these are already Code requirements in the City's zoning code.

Mr. Northam is in quite a box right now. Orange County's comp plan future land and zoning are still in effect until the City remedies this conflict. The Comp. Plan future land use of residential does not allow commercial development on this property. However, the commercial (C-1) zoning does not allow residential development on this property. So it is not buildable or usable for either residential or commercial use with this conflict in place.

Mr. Northam bought this property only with the idea of adding it to his Fairbanks Avenue holdings to be part of an overall future redevelopment of all of that Fairbanks property. In that context, this "rear" portion would likely wind up being used as parking area or for storm water retention. Staff recommended that the City establish the commercial land use designations conditioned upon this property's consolidation with the Fairbanks parcels.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH COMMERCIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN.

WHEREAS, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

WHEREAS, the City Commission intends to amend its Comprehensive Plan to establish a municipal Comprehensive Plan future land use map designation as a small scale amendment to the Comprehensive Plan, and

WHEREAS, the amendment of the Comprehensive Plan maps and the establishment of a future land use designation meets the criteria established by Chapter 163, Florida Statutes and Rule 9J-5, Florida Administrative Code and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article I, "Comprehensive Plan" future land use plan map is hereby amended so as to establish a Commercial future land use designation on the annexed property at 656 Overspin Drive and that all other maps in the Comprehensive Plan shall also be amended to reflect the addition and annexation of this property into the City of Winter Park, said property being more particularly described as follows:

Lot 7 AND THE South 20 feet of Lot 6, Block "B" Dubsdread Heights subdivision as recorded in Plat Book "J", Page 115 of the Public Records of Orange County, Florida.
Property Tax ID # 11-22-29-2248-02-07

SECTION 2. This ordinance shall become effective 31 days after adoption but shall not become effective if this Ordinance is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Mayor

Attest:

City Clerk

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA
AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE",
ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO
AS TO ESTABLISH COMMERCIAL (C-3) ZONING ON THE
ANNEXED PROPERTY AT 656 OVERSPIN DRIVE, MORE
PARTICULARLY DESCRIBED HEREIN.**

WHEREAS, the owner of the property more particularly described herein has voluntarily requested annexation into the City of Winter Park and in compliance with Chapter 171, Florida Statutes, said property has been annexed into the City of Winter Park, and

WHEREAS, the City Commission intends to establish a municipal zoning designation on this property in compliance with the establishment of a similar Comprehensive Plan future land use designation for said property, and

WHEREAS, the establishment of municipal zoning meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to Orange County and to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" and the Official Zoning Map is hereby amended so as to establish Commercial (C-3) district zoning on the annexed property at 656 Overspin Drive, more particularly described as follows:

Lot 7 and the South 20 feet of Lot 6, Block "B" Dubsdread Heights subdivision as recorded in Plat Book "J", Page 115 of the Public Records of Orange County, Florida.

Property Tax ID # 11-22-29-2248-02-070

SECTION 2. This ordinance shall become effective 31 days after adoption unless this Ordinance or the related companion Ordinance amending the Comprehensive Plan for this property is challenged pursuant to Florida Statutes Section 163.3187 within 30 days after adoption. In that case, it will not become effective until the State Land Planning Agency or the Administration Commission, respectively, issues a Final Order determining the Ordinance is in compliance with Chapter 163, Florida Statutes.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2013.

Mayor

Attest:

City Clerk

CITY OF WINTER PARK Planning & Zoning Board

**Regular Meeting
City Hall, Commission Chambers**

**November 5, 2013
6:00 p.m.**

MINUTES

REQUEST OF NORT NORTHAM FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH A COMMERCIAL FUTURE LAND USE DESIGNATION TO THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE.

REQUEST OF NORT NORTHAM FOR: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH COMMERCIAL (C-3) DISTRICT ZONING ON THE ANNEXED PROPERTY AT 656 OVERSPIN DRIVE.

Planning Manager Jeffrey Briggs presented the staff report and explained that the applicant, Nort Northam, is requesting that the City establish Commercial future land use and Commercial (C-3) zoning to match the Commercial (C-1) zoning that the property has in Orange County. He said that the applicant purchased this property to add to his adjacent commercial properties at 2650 and 2600 W. Fairbanks Avenues. Mr. Briggs discussed both Orange County and City the zoning/land use history on this property. In 1965 this vacant property was rezoned by Orange County to commercial (C-1). The Orange County Comprehensive Plans from the 1970's-1980's had this property as commercial on the county's future land use map. Then in 1991 when Orange County updated their Comprehensive Plan, the future land use designation was changed to low density residential likely due to its' adjacency with residential homes. However, the property was never administratively rezoned in accordance with that designation. So for the past 23 years the Orange County Comp. Plan has said residential but the Orange County Zoning has said commercial. He explained that when Mr. Northam purchased the property in May of 2012, neither he nor the sellers (the Gallagher Family Trust) had any idea the conflict existed.

Mr. Briggs explained that Mr. Northam has subsequently hired a professional planner, Adam Diona of Urban Land Resources, to assist him with getting this corrected. He said that currently Orange County's comp plan future land and zoning are still in effect until the City remedies this conflict. The Comp. Plan future land use of residential does not allow commercial development on this property. However, the commercial (C-1) zoning does not allow residential development on this property. So it is not buildable or usable for either residential or commercial use with this conflict in place. Mr. Briggs stated that the applicant purchased this property with the desire of adding it to his Fairbanks Avenue holdings to be part of an overall future redevelopment of all of that Fairbanks property. In that context, this "rear" portion would likely wind up being used as parking area or for storm water retention. Staff is recommending that the City establish the commercial land use designations conditioned upon this property's consolidation with the Fairbanks parcels, so that it is not developed independently. Mr. Briggs responded to Board member questions and concerns.

Adam Diona, 1285 Harmon Avenue, represented the applicant. He stated that they agree with the staff report as presented by Mr. Briggs. He indicated that Orange County staff felt that this was the City's problem to remedy now that the property has been annexed. He responded to Board member questions and concerns.

No one wished to speak concerning the request. Public Hearing closed.






















The Board members expressed support for the request and the predicament that faced the applicant. Mr. J. Johnston confirmed that all the City was doing was establishing land use to match the commercial zoning that had been in place on this lot since 1965. Staff confirmed that was the case.

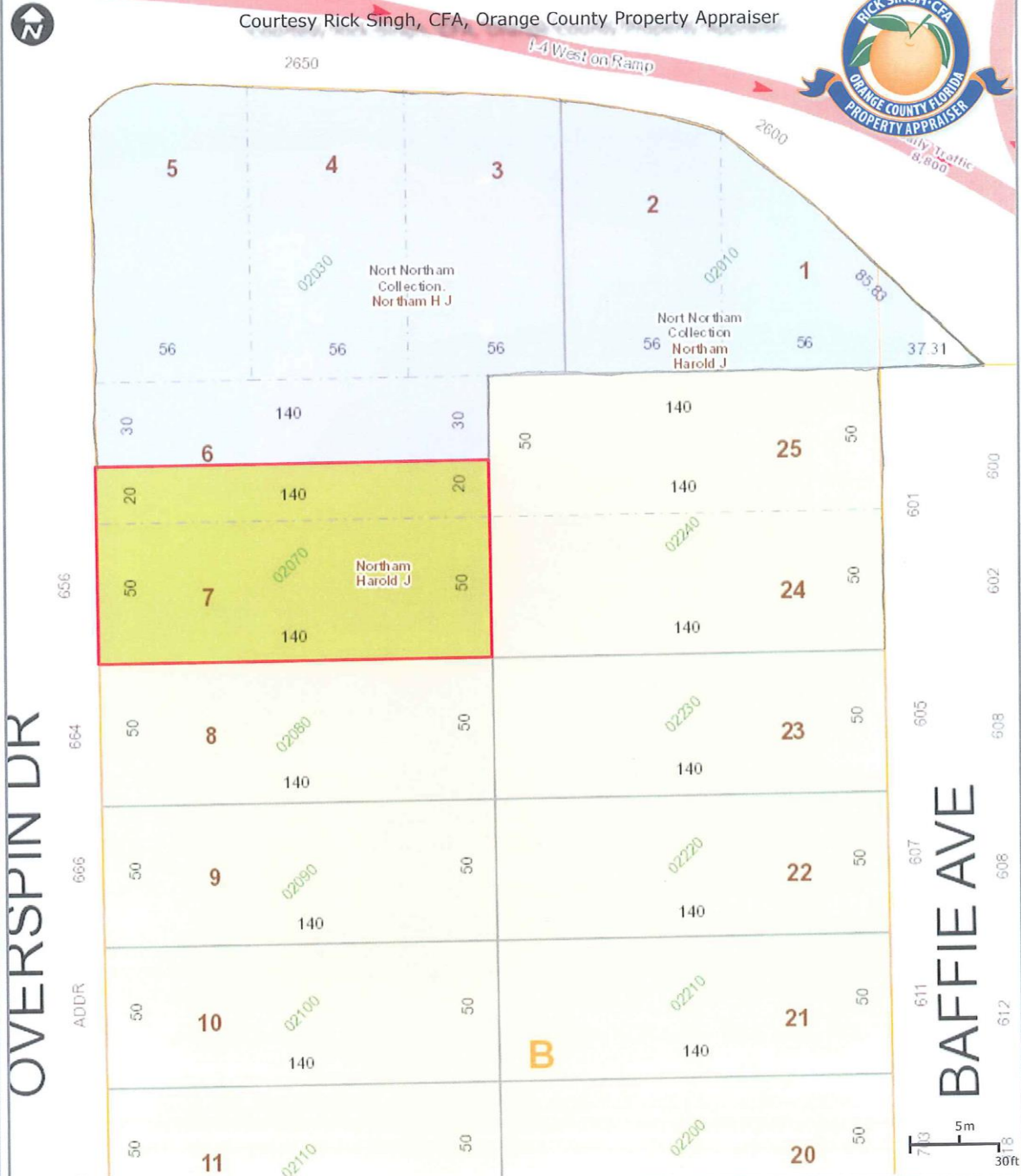
Motion made by Mr. Gottfried, seconded by Mrs. De Ciccio to establish a commercial future land use designation on the annexed property at 656 Overspin Drive, conditioned upon consolidation with the Fairbanks Avenue property. Motion carried unanimously with a 7-0 vote.

Motion made by Mr. Gottfried, seconded by Mr. Sacha to establish commercial (C-3) district zoning on the annexed property at 656 Overspin Drive, conditioned upon consolidation with the Fairbanks Avenue property. Motion carried unanimously with a 7-0 vote.



OCPA Web Map

	Florida Turnpike		Public Roads		Brick Road		Agriculture		Agricultural Curtilage		Lakes and Rivers		06060	Parcel Number
	Interstate 4		Gated Roads		Block Line		Commercial/Institutional		Hydro		Building		3106	Parcel Address
	Toll Road		Road Under Construction		Lot Line		Governmental/Institutional/Misc		Waste Land		Block Number		111.9	Parcel Dimension



Created: 10/11/2013

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



city commission agenda item

item type	Public Hearing	meeting date	December 9, 2013
prepared by department division	Troy Attaway 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

Second Reading - Request to vacate and abandon that portion of Gaines Way lying between 610 Gaines Way and 1760 Gaines Way.

motion | recommendation

Approve the vacation request.

background

The City will reserve a utility easement over all portion of the right of way being vacated. No objection from City Engineer.

alternatives | other considerations

n/a

fiscal impact

None

strategic objective

n/a

ORDINANCE NO: _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT PORTION OF GAINES WAY LYING BETWEEN 610 GAINES WAY AND 1760 GAINES WAY, MORE PARTICULARLY DESCRIBED HEREIN BUT RETAINING AND RESERVING TO THE CITY A UTILITY EASEMENT OVER THE ENTIRE AREA THEREOF.

NOW, THEREFORE, 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 portion of Gaines Way lying between 610 Gaines Way and 1760 Gaines Way, but retains and reserves to the City, a utility easement over the entire area thereof, as depicted in Exhibit "A" attached hereto and as more particularly described as follows:

Commence at the Northwest corner of Lot 10, Bengert's Bend, as recorded in Plat Book "U", Pg. 49 of the Public Records of Orange County, Florida, Thence run S 89°44'00" E, along the south right-of-way line of Gaines Way, a distance of 38.59 feet to the Point of Beginning; Thence continue S 89°44'00" a distance of 51.44 feet to the west line of Lot 9 of said Bengert's Bend; Thence S 24° 05'00" E along said west line a distance of 64.60 feet; Thence N 90°00'00" W a distance of 26.35 feet to the east line of said Lot 10; Thence N 24° 05'00" W a distance of 39.75 feet to a point of curvature of a curve concave southwesterly having a radius of 38.74 feet, with a chord bearing of N 56° 54'30" W and with a chord length of 42.00 feet, Thence run northwesterly along the arc of said curve through a delta angle of 65° 39'00", an arc length of 44.39 feet to the Point of Beginning.

Section 2. All ordinances or portions of ordinances in conflict herewith are hereby repealed.

Section 3. 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 _____, 2013.

Mayor Kenneth W. Bradley

ATTEST:

City Clerk Cynthia S. Bonham

WINDERWEEDLE, HAINES,
WARD & WOODMAN, P.A.

ATTORNEYS AT LAW

MAIN TELEPHONE (407) 423-4246
WWW.WHWW.COM

RECEIVED

SEP 24 2013

CITY OF WINTER PARK
PLANNING DEPARTMENT

Please Reply To:

Winter Park Office

Randolph J. Rush

Direct Dial: (407) 246-8413

E-mail: rrush@whww.com

September 16, 2013

Mr. Jeff Briggs
City of Winter Park Planning Department
400 S. Park Avenue
Winter Park, Florida 32789

Re: Vacation of portion of Gaines Way

Dear Jeff:

As you know, recently Philip Tiedtke purchased the property located at 610 Gaines Way, and now owns on both sides of the "leg" of Gaines Way extending between the property located at Gaines Way and his existing residence located at 1760 Gaines Way. Because Philip owns on both sides of this "leg" of Gaines Way, he is requesting that the City vacate the "leg" of Gaines Way lying between these two parcels.

Therefore, please accept this letter as a request that the City of Winter Park vacate the portion of the right of way of Gaines Way as depicted on the attached sketch of description. Enclosed is our firm's check for the \$250 application fee.

Philip has determined that there is a sanitary sewer line located within the portion of the right of way to be vacated, and therefore we agree that the City should reserve a utility easement over all of the portion of the right of way being vacated.

Please let me know if you have any questions. Thanks for your help on this matter.

Cordially yours,


Randolph J. Rush

RJR/lb

Enclosure

cc: Philip Tiedtke (w/encl.) VIA EMAIL

SKETCH OF DESCRIPTION

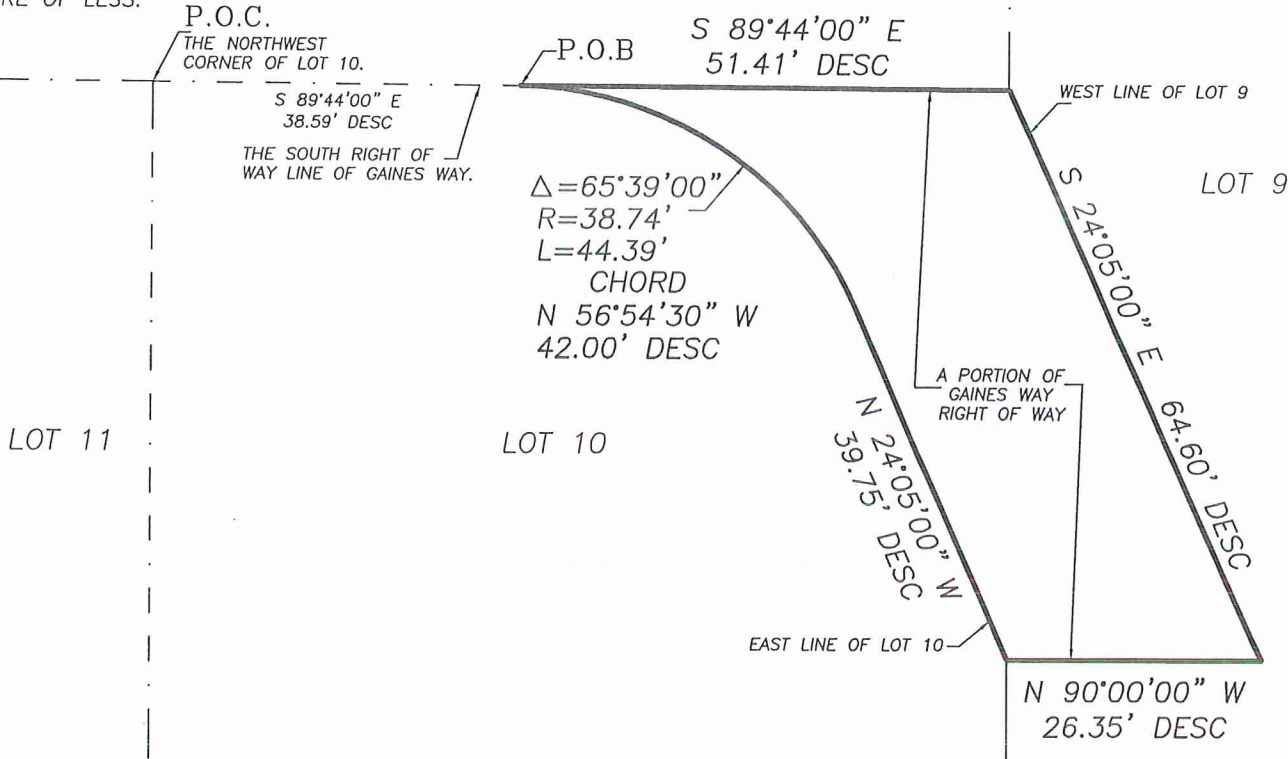
A PORTION OF GAINES WAY RIGHT OF WAY, BENGERT'S BEND, AS RECORDED IN PLAT BOOK U, PAGE 49, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 10, BENGERT'S BEND, AS RECORDED IN PLAT BOOK U, PAGE 49, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, THENCE RUN S 89°44'00" E ALONG THE SOUTH RIGHT OF WAY LINE OF GAINES WAY A DISTANCE OF 38.59 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S 89°44'00" E A DISTANCE OF 51.41 FEET TO THE WEST LINE OF LOT 9 OF SAID BENGERT'S BEND; THENCE S 24°05'00" E ALONG SAID WEST LINE A DISTANCE OF 64.60 FEET; THENCE N 90°00'00" W A DISTANCE OF 26.35 FEET TO THE EAST LINE OF SAID LOT 10; THENCE N 24°05'00" W A DISTANCE OF 39.75 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 38.74 FEET, WITH A CHORD BEARING OF N 56°54'30" W AND WITH A CHORD LENGTH OF 42.00 FEET, THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A DELTA ANGLE OF 65°39'00", AN ARC LENGTH OF 44.39' TO THE POINT OF BEGINNING.

HAVING AN AREA OF 1664 SQUARE FEET, OR 0.038 ACRES MORE OR LESS.

Exhibit "A"



DF# OCU-49-LOT10

SKETCH OF DESCRIPTION, THIS IS NOT A BOUNDARY SURVEY.

LEGEND

BC - BACK OF CURB	CBW - CONCRETE BLOCK WALL
CALC - CALCULATED	CM - CONCRETE MONUMENT
CL - CENTERLINE	COVD - COVERED
CLF - CHAIN LINK FENCE	CW - CONCRETE WALKWAY
CONC - CONCRETE	DE - DRAINAGE EASEMENT
CP - CONCRETE PAD	ESMT - EASEMENT
CP - CENTRAL ANGLE	FFE - FINISHED FLOOR ELEVATION
DESC - DESCRIPTION	IP - IRON PIPE
DW - DRIVEWAY	L - ARC LENGTH
E/P - EDGE OF PAVEMENT	MS - METAL SHED
FND - FOUND	OL - ON LINE
IR - IRON ROD	P&M - PLAT & MEASURED
MEAS - MEASURED	POB - POINT OF BEGINNING
N&D - NAIL & DISK	POC - POINT OF COMMENCEMENT
PC - POINT OF CURVATURE	R/W - RIGHT OF WAY
R - RADIUS	UB - UTILITY BOX
TYP - TYPICAL	WF - WOOD FENCE
UE - UTILITY EASEMENT	# - NUMBER
LB - LICENSE BUSINESS	

REVISIONS:

DATE: AUG. 8, 2013

SCALE: 1"=20'

DRAWN BY: A. R.

M.A.P.
Land Surveying, Inc.



4515 Curry Ford Rd.
Suite C
Orlando Fl. 32812
PH. 407 896 4557
FAX 407 277 3778

E-Mail
Maplandsurvey@cfl.rr.com

LB #7084

BEARING STRUCTURE BASED ON: THE SOUTH
RIGHT OF WAY LINE OF GAINES WAY.

Andrew Perry
Andrew Perry, P.S.M.
Professional Surveyor & Mapper #6124
*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.*

