

REGULAR MEETING OF THE CITY COMMISSION
February 14, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 4:15 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Mayor Bradley provided his condolences to Mrs. Brian Head and family for the passing of Code Enforcement Board Vice Chairman Brian Head and offered a moment of silence to honor him. The invocation was provided by Public Works Director Troy Attaway, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

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

Approval of the agenda

Mayor Bradley requested a 6:30-7:30 p.m. shade meeting this evening to discuss labor issues. Commissioner Cooper requested to remove item 11e. **Motion made by Mayor Bradley to approve the agenda with these changes; seconded by Commissioner McMacken and approved by acclamation of the City Commission.**

Mayor's Report

- a. Mayor Bradley wished everyone a Happy Valentine's Day.

City Manager's Report

Parks and Recreation Director John Holland provided an update on the Strategic Recreation Programming Plan for the community center. Mr. Holland indicated that they have hired and contracted Green Play, LLC with the backing and funding of the Winter Park Health Foundation. He noted that the consultant will be coming in tomorrow to meet with staff and that there will be four focus groups on Wednesday, three focus groups on Thursday and a public meeting on Thursday evening. He said it will be a 6 month process and there will be numerous meetings which will involve various stakeholder groups who perform programming duties in the City; 70 requests have been sent out including the YMCA and the local Ministerial Alliance to participate. He said they will be reporting to the Commission on a regular basis over the next several months and anticipate completion prior to the opening of the center. Mayor Bradley asked if they will be accepting suggestions, questions and emails from the Commission if they cannot attend those meetings. Mr. Holland said they will gladly accept the information.

Commissioner McMacken asked City Manager Knight about the construction validation of \$32,000,000 and if it is the result of one particular item or if this is across the board. Mr. Knight said this is the valuation that was turned in for the first quarter and it is across the board. He also noted that it does not include the Winter Park Towers project or the hotel.

Mayor Bradley indicated that per the Commission's direction both he and City Manager Knight met with Maitland's Mayor and City Manager last week to discuss an interlocal agreement on the Home Acres/Ravaudage property. He said that there is a mutual interest with similar goals to formulate an interlocal agreement that would be mutually beneficial to both parties and they are hoping to bring something back to the City Commission within the next month.

City Attorney's Report

City Attorney Brown mentioned that it is not unusual for Economic Development opportunities to be kept confidential until a time where it is agreed that the information will be publicly available.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of 1/24/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Authorize incentives to existing and new utility billing customers for utilizing green billing and collection practices. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- c. Approve the electronic scanning fee of \$1.00 per page for large building plans of building permit applicants for electronic file storage.
- d. Approve award of RFP-3-2011 for Contract Management Software to Florida Business Technologies dba Informa Software; \$29,200.
- e. Approve the following purchases and contracts:
 1. PR 146122 to Sternberg Lanterns for the owner direct purchase of decorative lights and bollards for the Community Center (36,064.52)
 2. PR 146128 to Performance Sports Systems for the owner direct purchase of athletic equipment for the Community Center (\$27,844.34)
 3. PR 146129 to Modernfold for the owner direct purchase of acousti seal products for the Community Center (\$39,370.35)
 4. PR 146145 to Hammerhead Trenchless Equipment for the purchase of a demo HB100 Hydroburst Pipe Bursting Machine (\$182,176.44) – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 5. PR 146158 to Harwood Bricks for the purchase of bricks for the Community Center (\$43,410)
 6. PR 146163 to Turner Construction Company for the purchase and installation of audio visual/technological equipment for Community Center (\$239,855)
 7. Deduct change order #3 (\$1,217,133.58) against the contract as a result of sales tax savings) to Community Center contract with Turner Construction Company (RFQ-17-2009) and authorize the Mayor to execute the change order document
 8. Design/Build Utility Agreement with State of Florida Department of Transportation and authorize the Mayor to execute the agreement
 9. Task Authorization CDM-2011-01 with Camp Dresser & McKee, Inc. (CDM) for Comprehensive Water, Wastewater and Reclaimed Water Rate Study and authorize the Mayor to execute the Task Order.

10. Change Order Request No. COR-010 with Turner Construction Company for the Community Center and authorize the Mayor to execute the change order
11. Piggybacking the Florida Sheriff's Association contract #10-18-0907 for the purchase of Pursuit, Administrative Non-Pursuit, Utility Vehicles, Trucks & Vans, & Other Fleet Equipment and authorize the Mayor to execute the Piggyback Contracts as required for specific vehicle purchases
12. Piggybacking the City of Orlando contract # IFB 11-0003-2 with B & T Woods, Inc. for Transmission Repair and Replacement and authorize the Mayor to execute the Piggyback Contract (\$10,000)
13. Piggybacking the Clay County contract #08/09-3 with Musco Sports Lighting, LLC for Sports Lighting and authorize the Mayor to execute the Piggyback Contract and approve a Blanket Purchase Order (Total expenditure (\$200,000)

Motion made by Commissioner Anderson to approve Consent Agenda items 'c', 'd', 'e'-1-3 and 'e'-5-13; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Approve the minutes of 1/24/11.

Commissioner Cooper asked that additional conversation be included in the minutes on page 8 regarding the retention pond on Howell Branch. She said that Mr. Holland clarified that the retention pond did not meet their standard for recreation-based parkland that are included in the calculation of the parks level of service standard. Mayor Bradley asked the Clerk to look at this.

Commissioner Cooper also asked to include on page 11 a synopsis of the points made by each Commissioner where they discussed the State Office Building property, particularly the last paragraph before the motion where it states: "In summary each Commissioner gave five minutes to share their thoughts, opinions and concerns." She requested that the Clerk summarize those points for history purposes. Mayor Bradley requested to see the synopsis prior to issuance. Commissioner Cooper then requested that the Clerk submit the synopsis to all members of the Commission.

Motion made by Mayor Bradley to approve Consent Agenda Item 'a' and accept the minutes with the following two sections which Commissioner Cooper broached with a synopsis and they will approve those sections at the next meeting; seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Consent Agenda Item 'b' - Authorize incentives to existing and new utility billing customers for utilizing green billing and collection practices.

Commissioner Dillaha asked if they are ready to implement the program. Assistant City Manager Michelle del Valle stated that some of the items are ready to be implemented now and some items are still being worked on such as the elimination of the delinquent bills which will come later in the summer. Commissioner Dillaha asked if they know how much the onetime \$5.00 discount on the utility bills amounts to. City Manager Knight said it is about one year's worth of mailing costs. She then asked about the convenience fee. Ms. del Valle explained that the information provided shows different alternatives for how the City can implement the fee and clarified that there is no change to the convenience fee at this time.

Motion made by Mayor Bradley to approve Consent Agenda Item 'b'; seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Consent Agenda Item 'e'-4: Approval of PR 146145 to Hammerhead Trenchless Equipment for the purchase of a demo HB100 Hydroburst Pipe Bursting Machine (\$182,176.44)

Commissioner McMacken asked if they are buying this specifically for the Fairbanks project or if they can use this for other future projects. Water and Wastewater Utility Director Dave Zusi said they will recover most of the cost of the machine in this one project and they will also end up with a valuable piece of machinery which can be used for future projects.

Motion made by Commissioner McMacken to approve Consent Agenda item 'e'-4; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion:

a. Settlement agreement with New England Partners LLC

Planning Director Jeff Briggs explained that this is the first property owner that they have been able to reach a tentative settlement agreement with and that there are three parts to the agreement: 1) Clears up a misunderstanding that the Comprehensive Plan policy which says parking garages need to be 100' from single family/low density residential means actual structured parking garages intended for commercial and multi-family residential use and not parking garages as in typical 'two car' family residential parking garage; 2) Waives the fee and agrees to process a small scale future land use map change for the New England Avenue lot from Commercial to CBD; and 3) Permits up to 25 units per acre on the three Welbourne Avenue lots that are 0.45 acres in size total. Mr. Briggs and City Attorney Brown answered questions regarding potential Bert Harris claims.

Commissioner Dillaha asked if this sets precedence or a policy that any time there may be a threat of litigation that they roll over and settle it somehow. She said she does not like this in this agreement. Attorney Brown said it does not create a precedence that would bind them in any future case. She asked if they can add language that says this is not precedence setting. Attorney Brown stated they could do so.

Commissioner Dillaha referenced page 3 beginning with "Whereas, the City has determined, with New England's agreement, that the terms of this Agreement protect the public interest served by the City's Comprehensive Plan and Land Development Code, because the project contemplated by New England will be beneficial to the City." She said she does not know what project is contemplated and who is going to be the party that is determining this is going to be beneficial when it has not gone through a planning or review process. She recommended to strike that sentence from the agreement. She said that the agreement needs to say "New England Properties, LLC" throughout the agreement so that it has the correct entity name.

She then referenced page 2 beginning with "Whereas, New England seeks damages as a result of an alleged burden on its ability to develop the Property as originally contemplated prior to the City's 2009 Comprehensive Plan and 2010 Land Development Code". She said again that she does not know what was contemplated and she does not know what burden there is on the developer/property owner at this point.

Commissioner Cooper addressed the need to assure that the "Whereas" statements are correct. She referenced page 2 beginning with "Whereas, in a 1995 amendment to the Comprehensive Plan, the New England Property was designated Commerce as the future land use designation". She said that is correct and she would like a "period" put there and to delete the next two sentences which is a matter of debate. She referenced Page "FL17" from the 1991 Comprehensive Plan which she believed was in conflict with that statement.

Commissioner Cooper then referenced page 4, Article 4 "Welbourne Property Intensity", where it reads "the City agrees to an interpretation of the Comprehensive Plan" and said that allows a density of 25 units per acre." She wanted this to be settled but had a problem with it because if she takes 316 Welbourne and adds the New England piece to it, she comes up with 48,000 square feet and 48,000 square feet for R-3 standards has always been required since 1970, that they have 2,500 square foot per unit and so the maximum capacity on that property would have been 19 units, not 25. Mayor Bradley asked that these facts be checked.

Attorney Brown stated that he recommends if a majority of the Commission would like to make these adjustments subject to staff confirming that any of the adjustments are factually correct then he will work out the details with Ms. Furman and bring it back to the Commission. Commissioner McMacken suggested that Attorney Brown speak with Ms. Furman during the break to amend the agreement.

Ms. Furman indicated that they did not object to change the "Whereas" information, nor to add the precedence setting information. She said she would like to resolve this tonight so that her client can move ahead. Attorney Brown referenced Paragraph 4 where it reads "the City agrees to an interpretation of the Comprehensive Plan to allow a maximum density of 25 units" and asked if this is acceptable or if it needs to be changed. Mr. Briggs said it is accurate because it only applies to the three Welbourne lots.

Motion made by Mayor Bradley to approve the contract as presented with an amendment that says this is not precedence setting and allow the City Attorney to make any minor modifications as is fit to come to a mutual agreement to accomplish what the Commission is desiring; seconded by Commissioner Dillaha.

Motion amended by Commissioner Cooper that Article 4 which reads "the City agrees to an interpretation of the Comprehensive Plan" is changed to read "the City agrees in order to settle the claim to allow a maximum density of 25 units per acre so long as the R-3 zoning standards are met..."; seconded by Commissioner Anderson. Attorney Brown reiterated and clarified the changes.

Motion amended by Commissioner Cooper that the second paragraph on page 2 which reads "Whereas, in a 1995 amendment to the Comprehensive Plan, the New England Property was designated Commerce as the future land use designation, and under the 1991 Comprehensive Plan, this designation allowed 45% FAR" to put a period after the 45% FAR and strike the last line which reads "and both C-2 and C-3 were compatible zoning districts"; seconded by Commissioner Dillaha.

Attorney Brown clarified the changes made in Paragraph 4 and the insertion of a statement that there is no binding precedence created.

Motion made by Commissioner Dillaha to amend for three modifications: 1) Page 1, Paragraph 4 beginning with "If New England had rezoned the Welbourne Property to R-4...." to say "If New England had requested and received approval for rezoning Welbourne Property to R-4....."; seconded by Commissioner Cooper; 2) Page 2, Paragraph 7 which reads "Whereas, New England seeks damages as a result of an alleged burden on its ability to develop the Property....." to say "as a result of their alleged burden". Attorney Brown said it should say "Whereas, New England seeks damages as a result of a burden, New England has alleged on its ability to develop the property...."; and 3) Page 3, Paragraph 5 which reads "Whereas, the City has determined, with New England's agreement, that the terms of this Agreement protect the public interest served by the City's Comprehensive Plan and Land Development Code", to strike the next phrase that says "because the project contemplated by New England will be beneficial to the City" but leave in the remaining existing language "and this Agreement allows the City to avoid protracted expensive litigation....."; seconded by Commissioner Anderson.

Attorney Brown stated that assuming this passes, he will excuse himself to meet with Ms. Furman and handwrite the changes so that she can be comfortable with the language. There was a consensus for him to do that.

Upon a roll call vote on all of the amendments above, Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Upon a roll call vote on the main motion which includes the amendments, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comment

Peter Weldon, 700 Via Lombardy, thanked Commissioner Anderson for his outstanding service over the past two years serving as Commissioner.

Nancy Shutts, 2010 Brandywine Drive, said the parking situation at Lake Baldwin Trail is confusing and unsafe. She asked that the Parks staff move forward with a plan for structured parking and to put benches or tables in so citizens can enjoy the lake and the park.

b. Electric bond funded capital projects

Electric Utility Director Jerry Warren provided a Powerpoint presentation which included the reasons for the review, funding update, bond project budget update, plug-in and other capital projects, reasons for cost over runs, available funds, capital projects to consider, Canton Avenue Transformer T-2, Electric substation transformers, Canton Substation circuit breakers, original undergrounding projects, Temple Drive project and updated budget, Protective Devices outages, Alabama Avenue outage analysis, Glenridge/Lake Sue project, proposed Alabama project and estimate, estimated cost for proposed Capital Projects and recommendations.

City Manager Knight explained that when they did the bond issue they were two years into operating the system and when they came up with a list of priorities at that time it was based on a very short period of actual data of operating the system. He said now that they are 5 years

into it they have a lot more data on which feeders within the City are the most problematic from a reliability standpoint. He said their goal is to make decisions on capital spending based on reliability versus other reasons and with a close behind second criteria being aesthetics since that is also important. He said one of the reasons why they purchased the system was to get all of the lines underground at some point.

Mr. Warren explained the bond issues from November 2007 (\$22,135,000 of bonds to pay off a \$3.3 million Series 2005 electric system note and to provide approximately \$18 million in additional proceeds to fund various capital projects, including the 7 mainline feeder underground projects, initial funding of the PLUG-IN program, the electric system's share of the Automated Metering Reading (AMR) project, and other unidentified capital projects). The "other capital projects" have been completed, five of the seven initial undergrounding projects have been completed, and nine PLUG-IN projects have been completed. Additionally, Winter Park electric now has completed 5 ½ years of successful system operation and better understands the electric system's capital priorities. Mr. Warren addressed the various mainline feeder projects and the financial status of the mainline feeder undergrounding project, the financial status of the "other capital projects", the \$2.5 million borrowed for the electric system's portion of the AMR project and the initial funding for the PLUG-IN Program.

Mr. Warren explained that to date, nine PLUG-IN projects have been completed for \$1.1 million, leaving a balance of \$1.4 million in the PLUG-IN fund. Interest in the PLUG-IN program has significantly declined to the point that staff is preparing to take the Williams-Ibis portion of Park Grove back to the residents for a revote. That project previously did not pass with the 2/3 required majority. The residents believe that they can now get the required 2/3 majority for passage. No other PLUG-IN project is pending for vote. Based on the experience to date, the average PLUG-IN project involves 17 lots and has cost the City approximately \$100,000.

Based on system reliability requirements, staff requested that the City Commission consider the following projects be elevated in priority and be funded by the remaining bond proceeds:

- Replace Canton Avenue Substation Transformer T-2. T-2 is 42 years old and periodic oil samples show volatile gases are increasing (i.e. the transformer is failing). For safety reasons, staff has removed T-2 from service.
- Replace Canton Avenue Substation circuit breakers. The five remaining PEF acquired circuit breakers are all older than 30 years (expected life)
- Underground eastern section of Alabama Dr. and Via Tuscany north from Palmer Avenue to Via Lugano for the purpose of improving electric reliability to the area in the system with the poorest reliability.

Mr. Warren indicated that the Glenridge/Lake Sue undergrounding project is no longer considered urgent so its priority should be reduced below other more urgent capital needs. He added that sufficient funding does exist to underground the intersection of Winter Park Drive and East Lake Sue Avenue so this project is not needed for reliability purposes but might be justified given the gateway nature of the intersection and the selection of the area to be included in the City's ReLeaf Reforestation Program. Sufficient funding exists to complete the Temple Avenue undergrounding project as originally planned.

Mayor Bradley asked about the \$1.2 million that was allocated for this capital year and what that is applied to. City Manager Knight explained the \$1.2 million is used for routine capital

maintenance. Commissioner Anderson asked if they shift funds from the Plug-In Program and they leave \$400,000 for the near term future will they have enough money to do the Temple Drive project. City Manager Knight said that he is correct and that they will also have enough money for the transformer and the breakers.

Mr. Warren explained that the Utilities Advisory Board (UAB) feels strongly that the priority of undergrounding be driven by reliability considerations so he has suggested that both the Temple Drive and Glenridge/Lake Sue projects be delayed until other more urgent undergrounding projects could be identified and studied. He also noted that the UAB will be performing a study on the outages and reliability.

Mayor Bradley asked if their Bond Counsel has weighed in on this. Mr. Warren said no but they will contact them and that they have reviewed the bond resolution and ordinance and there is no language in the documents that will limit them in terms of changing projects.

Motion made by Commissioner McMacken to approve the proposed Capital Projects for consideration as presented with the exception that the \$100,000 for Glenridge/Lake Sue is moved into the Plug-In project budget; seconded by Commissioner Cooper.

Commissioner Cooper asked if they are going to use \$100,000 out of the Plug-In to do Lake Sue. Commissioner McMacken said no. He explained that he wanted to take \$100,000 from Lake Sue and put it into the Plug-In Fund so there is a total of \$500,000 in the Plug-In Fund.

Commissioner Cooper withdrew her second to the motion. The motion was then seconded by Mayor Bradley. Commissioner McMacken said that he is recommending the approval of the following (see below for clarification purposes) with the one exception that the \$100,000 for Glenridge/Lake Sue is moved into the Plug-In project budget.

Capital Projects For Consideration	Recommended Budget \$(000)
Replace Canton Ave. Substation Transformer T-2	745
Replace Canton Ave. Breakers	135
Alabama/Via Tuscany undergrounding	525
PLUG-IN Projects (funds 4 average projects)	400
Temple Ave. (Recommend deferring)	1,230
Glenridge/Lake Sue intersection of Winter Park Dr. and East Lake Sue (recommend deferring)	100* *Exception: This \$100,000 for Glenridge/Lake Sue is moved into the Plug-In project budget
Contingency (~ 15%)	487
TOTAL	3,622

Motion amended by Commissioner Cooper that they take \$100,000 out of the Plug-In Program and fund the Glenridge/Lake Sue project now. City Manager Knight asked her if that means they will only have \$300,000. She said yes, unless they have obligated themselves to that. City Manager Knight said the contingency would then go from \$487 to \$587. Mr.

Warren said that would make the Glenridge/Lake Sue budget \$200,000. Mayor Bradley said they have already paid for this in January so if they want to do that it is fine. **Commissioner Cooper then withdrew her amendment.**

Nancy Shutts, 2010 Brandywine Drive, said the Glenridge/Lake Sue project is very unclear and asked the Commission to wait until more information is made available regarding the reliability before making a decision tonight.

Commissioner Anderson said in the long haul, for this undergrounding to take place the funding can start coming from the savings that they will receive on the bulk power purchasing deal they just executed. He complimented Mr. Warren and his team for all of their great work on that deal. He said hopefully they will have discretionary funds building up over the next 3 years so they can apply those funds to similar projects.

Mayor Bradley reminded the Commission that the Utility Fund still owes money to the General Fund and even though they are currently addressing the issue they need to make sure that they continue to address it. Mayor Bradley said he would like to re-look at the Capital Budget sometime after March 31, since that would be the 6 month mark to see if they need to increase the capital budget.

Upon a roll call vote to approve the proposed Capital Projects for consideration as presented with the exception that the \$100,000 for Glenridge/Lake Sue is moved into the Plug-In project budget; Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

c. Design and construction process for golf course Starter's House (Pro Shop)

Public Works Director Troy Attaway summarized the process to date including the June 14, 2010 Request for Qualifications to design the renovations; the approval of the top ranked historic preservation architect firm Bender & Associates approved at the September 27, 2010 Commission meeting; and the approval of the future use of the Starter's House to be restrooms/dressing rooms and bag storage to support golf course operations.

He explained that after entering negotiations with Bender & Associates it became obvious that sufficient funds were not available to fully realize the Commission's vision through a traditional design/build process using a historic preservation architect and general contractor. He explained that staff has reviewed the scope and discussed the project concept with other professionals and feels the best way to fulfill the Commission's vision, with the available funding, is to self manage and perform the work with the help of an experienced construction coordinator and team of subcontractors to support City forces. He explained that the architectural design work would be performed by a local architect with vested ties to the community under the direction of the City's construction manager and the experienced construction coordinator. Mr. Attaway clarified that the local architect will also have historical preservation experience. Commissioner McMacken asked if this has to be a public bid. Mr. Attaway stated that they will follow the City's purchasing policies and they will be able to do the project in that manner. He also explained that the architectural work that will need to be done for approval by the Historic Preservation Board and the design documents for permitting will be handled under a CC&A threshold and will obtain three quotes for that.

Motion made by Commissioner McMacken to reject RFQ 23-2010 and accept City staff's proposal to self manage and perform the renovation of the Winter Park Country Club Starter's House with the help of a qualified construction coordinator and sub contractors; seconded by Commissioner Dillaha.

Commissioner McMacken asked about the timeframe for completion. Mr. Attaway said approximately 6 months. Mayor Bradley commended staff for being able to take on this project and said by doing this project in-house it will allow them to have better control over the work product. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

d. Re-amortization of funding in police and fire pension plans

City Manager Knight provided a short presentation that included the re-amortization of the funding for the police and fire pensions. He stated that during the previous budget year, the City commissioned an actuarial study by Foster and Foster to assist in evaluating ways to reduce future pension costs. The study took a 10 year look at future obligations as well as potential efforts to reduce costs. In the 10 year analysis of existing costs, it was determined that both police and fire pension costs were anticipated to rise significantly beginning in 2014 (fire) and 2016 (police). As the FY11 budget was finalized, approximately \$1 million of additional reserves were set aside to address the pension obligation and \$50,000 was budgeted to fund a comprehensive pension study.

In October, the City hired Jim Linn, an attorney and expert in Florida pension law to assist in the development of a comprehensive strategy to reduce pension costs in both the police and fire pension programs. He is working on three key strategies; smoothing the upcoming contribution spike, recommending plan design changes that will create sustainability within the pension plans, and recommending best practices for management of the pension program.

The first task is completed in which Mr. Tierney with Actuarial Concepts provided a report listing three options for smoothing the upcoming funding spike. In every option it is necessary for the City to increase its contribution in the near term to reduce the spike over time. Mr. Knight explained the three options: 1) Option 1 would use a 10 year amortization of the remaining gain balance and meld it in with the current 10 year amortization base. This option would increase contribution requirements by \$385,000 for Fire and \$332,000 for Police; 2) Option 2 would use a 12 year amortization period of the remaining gain balance and meld it with the current 10 year amortization base (changing it to 12 years also). This option would increase contribution requirements by \$310,000 for Fire and \$267,000 for Police and 3) Option 3 would use a 15 year amortization which would increase contributions by about \$255,000 for Fire and \$203,000 for Police.

City Manager Knight said during the Pension Board meeting the pension's actuary expressed concern that Mr. Tierney's option #2 method would not be approved by the state. Mr. Tierney believed that this is very defensible and that we can get approval. Mr. Knight said that the Pension Board this past Thursday authorized their actuary, Gabriel Roeder Smith & Company to work with Mr. Tierney to try to get the 12 year option approved by the state. City Manager Knight said this does not require an action tonight unless they do not like the 12 year option or if they would like to accept this report and authorize Mr. Tierney to work with Gabriel Roeder Smith & Company. Mr. Knight answered questions and clarified that the plans actuary is the

one who makes the decision on how this is going to be amortized. He said we cannot tell him what to do and neither can the pension board even though they may have more influence.

Motion made by Mayor Bradley to have Mr. Tierney and Jim Linn work with Gabriel Roeder Smith & Company to have a mutually agreed upon recommendation preferably in the 12 year funding range; seconded by Commissioner Dillaha.

City Manager Knight noted that in Mr. Tierney's recommendation they are to start the first years funding during this current fiscal year. Mayor Bradley asked if agreed to do that, if the \$577,000 would come out of the \$1,000,000 that the Commission set aside. City Manager Knight said 'yes' and that it would start this year. Commissioner Cooper asked what specific issues require state approval. Mr. Knight explained the proposed IRS regulation regarding this issue. He said that ultimately the State Division of Retirement has to say grace over whatever plan we use and if they do not agree with what we do they can withhold the state funding. He clarified that we cannot extend the original life of the pensions more than what was allowed back when the program started.

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

- e. Offer of a sculpture *White "A"* by Winter Park resident Micheline Kramer to the City for a 10 year period on Morse Boulevard

This item has been tabled.

Recess and Executive Session

A recess was taken at 6:27 p.m.

At 6:27 p.m. an Executive Session was held pursuant to Section 447.605 to discuss matters relative to collective bargaining. The regular meeting re-convened at 7:55 p.m.

- f. Targeted Industry Enhancement (TIE) Program approval

Assistant Economic Director Peter Moore addressed this item and noted that the program would be available Citywide and that they would be looking at using General Fund revenues for this program. Commissioners Dillaha and Cooper opposed spending General Funds on this program.

Motion made by Mayor Bradley to approve the program for new jobs and relocation; seconded by Commissioner McMacken. Commissioner McMacken asked how they would be funding this since there is no specific line item in the budget. City Manager Knight suggested using other funding options other than the General Fund such as unallocated economic development funds or contingency funds. He also explained that what they would be approving tonight is a policy for the TIE Program. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson and McMacken voted yes. Commissioners Dillaha and Cooper voted no. The motion carried with a 3-2 vote.**

- g. Authorize Commissioner Cooper and City Manager Knight to investigate/explore options with the United States Postal Service for possible future acquisition of the New York Avenue property

City Manager Knight provided a brief summary explaining that at the last Commission meeting, Commissioner Cooper requested that she be allowed to pursue other options for the acquisition of the Post Office property. He said the purpose of this agenda item is to formally authorize that representation and set forth a preliminary plan.

Motion made by Commissioner Dillaha to authorize Commissioner Cooper (and City Manager Knight) to investigate/explore options with the U.S. Postal Service for possible future acquisition of the New York Avenue property; seconded by Commissioner Anderson. Mayor Bradley reminded them that this is a \$6 million option. **Upon a roll call vote, Mayor Bradley voted no. Commissioners Anderson, McMacken, Dillaha and Cooper voted yes. The motion carried with a 4-1 vote.**

Public Hearings

- a. ORDINANCE NO. 2836-11: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE UTILITY EASEMENT LOCATED AT 1211 COLLEGE POINT, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. No public comments were made. **Motion made by Commissioner Dillaha to adopt the ordinance; seconded by Commissioner Cooper.** There was a brief discussion regarding the name and ownership of this property. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Mayor Bradley to have staff determine for purposes of taxation and others, the ownership of this property; seconded by Commissioner McMacken. City Manager Knight stated that according to the Orange County Property Appraiser's website the assessed value is \$100 and the owner is listed as "owners of property in Virginia Heights."

Upon a roll call vote, Mayor Bradley and Commissioners McMacken and Dillaha voted yes. Commissioners Anderson and Cooper voted no. The motion carried with a 3-2 vote. Mayor Bradley requested that City Manager Knight bring a report back. It was acknowledged.

- b. RESOLUTION NO. 2074-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING NORTH PHELPS AVENUE AND BRYAN AVENUE; WHICH IMPROVEMENTS BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. **Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Dillaha.** Assistant Utility Director Terry Hotard

clarified that this is the smallest parcel wise plug-in project that they have dealt with. He said it does not involve any primary cable, it is all secondary and that is why the numbers are so low.

No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. RESOLUTION NO. 2075-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO IMPROVEMENTS TO STATE ROAD NO. 400 (INTERSTATE 4) BY THE FLORIDA DEPARTMENT OF TRANSPORTATION, AND SUBORDINATION OF THE CERTAIN EASEMENTS OWNED BY THE CITY TO THE FLORIDA DEPARTMENT OF TRANSPORTATION, AUTHORIZING THE MAYOR OF THE CITY TO ENTER INTO SAID SUBORDINATION OF CITY UTILITY INTERESTS; PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. Mayor Bradley disclosed that he was a former trustee by virtue of serving on the Florida Conference of Seventh Day Adventists Executive Committee and he stopped serving in 2006. He indicated that he spoke with the City Attorney and there is no conflict of interest. Commissioner Cooper asked if this is one of our lift stations. Water and Wastewater Utility Director Dave Zusi said yes.

Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Anderson. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- d. RESOLUTION NO. 2076-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DECLARING THAT THE FLORIDA LEGISLATURE AMEND THE FLORIDA CLEAN INDOOR AIR ACT TO EXPRESSLY ALLOW LOCAL REGULATION OF SMOKING AND THE POSSESSION OF TOBACCO PRODUCTS IN MUNICIPAL AND COUNTY PARKS AND RECREATION AREAS.

Attorney Brown read the resolution by title. **Motion made by Commissioner Dillaha to adopt the resolution; seconded by Mayor Bradley.** Commissioner Cooper said she understands the will of the Commission but she thinks this allows too much government into the private rights of individuals. She stated she does not mind fining someone for leaving a cigarette butt on the ground but that smoking outdoors might be okay if you cannot smoke indoors.

Commissioner Dillaha explained that this is on public property and the point of this is so local government can regulate what happens on public property. Commissioner Anderson said that there is a fine line between nuisance and infringement; however, his desire for home rule trumps that at the moment. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

- e. RESOLUTION NO. 2077-11: RESOLUTION ADOPTING LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) AND FLORIDA GREEN BUILDING COALITION (FGBC) STANDARDS

Attorney Brown read the resolution by title. Public Works Director Troy Attaway explained the intent of the ordinance and that as a part of the City's Certified Green Local Government initiative through the Florida Green Building Coalition, adoption of this resolution demonstrating the City's desire to protect ones environment will provide the necessary points for the City to achieve the Gold Level of certification. The City has been working towards this goal for over a year as outlined in the City's Strategic Plan of 2009. This resolution follows along the existing state statute requiring municipal buildings to be constructed in an environmentally friendly way, preserving our natural resources. This resolution provides maximum flexibility for the City in determining what is feasible for each project. Mr. Attaway answered questions.

Motion made by Commissioner Dillaha to adopt the resolution; seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Commissioner Reports:

- a. Commissioner Anderson

No items.

- b. Commissioner Dillaha

Commissioner Dillaha spoke about recycling for residential properties and said that most people do not know that you can get a recycle bin for \$2.00 a month to recycle. Assistant City Manager Michelle del Valle indicated that they are advertising that information in their water bills and in the next newsletter.

Commissioner Dillaha spoke about trees being removed on weekends with no permits and asked about having an on-call person to handle these matters. City Manager Knight indicated that they have Code Enforcement personnel working weekends covering over 100 miles of streets. He also said that they are working on publicizing the after-hours on call phone number for people to call.

Commissioner Dillaha reminded everyone that the Financial Advisor orals are on Wednesday from 9 a.m.-1 p.m. in the chambers. Commissioner Anderson said because he is not able to attend he requested a follow up from both Commissioner Dillaha and Mayor Bradley since they are on the committee. He would like to know that their outlook is over the next 3-4 months on the refinancing of the balance of the City bonds. The request was acknowledged.

1. Tree Replanting Policy and Plan. Strategic Initiative: Quality Environment

Commissioner Dillaha asked that the City look into establishing a Tree Replanting Policy and Plan so that they can more aggressively plant trees and educate the public with the benefits of planting trees to help replenish the tree canopy. She indicated that she will follow up with Mr. Holland on this item.

2. Consideration to update policies regarding the sale or change of use of parkland (to provide further protections of parkland)

Commissioner Dillaha addressed the possible need to have different and stricter types of requirements for selling off City parkland. Commissioner Cooper said she feels that way about all large pieces of City property or anything over some reasonable square footage. Commissioner Dillaha asked if they could look into this.

c. Commissioner Cooper

Commissioner Cooper said the reason why she asked to pull Action Item "E" (the art project) is because she spoke with Ron Hightower who runs the Scenic Boat Tour and he was not aware of this item. City Manager Knight stated that they contacted him via email and also left a telephone message with him over 3 weeks ago asking him if he had any comments. He said today they received an email from him during this evening's meeting saying that he is opposed to the large piece of art being placed in that location. He also clarified that this is City property. There was a consensus for City Manager Knight to talk to the donor for a possible alternate location. It was also mentioned that all citizens will have the opportunity to voice their opinions at the next meeting when this topic is addressed.

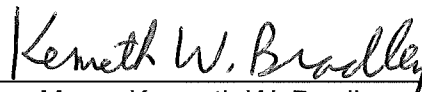
d. Commissioner McMacken

No items.

e. Mayor Bradley

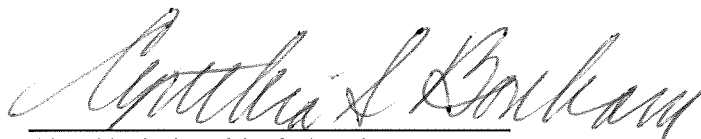
Mayor Bradley asked if we are actively working with Bighthouse about undergrounding services. City Manager Knight said yes.

The meeting adjourned at 8:51p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham