

REGULAR MEETING OF THE CITY COMMISSION
March 12, 2012

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

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

Members present:

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

Also present:

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

Approval of the agenda

Motion made by Mayor Bradley to move Item 4f to Item 10a and to table Item 4c per the Historic Preservation Board; seconded by Commissioner Leary to approve the agenda with the above changes; approved by acclamation with a 5-0 vote.

Mayor's Report

- a. Informational Update - 2012-2013 Art on the Green sculpture project - Chele Hipp, Public Art Advisory Board Chair

A brief presentation was provided by Public Art Advisory Board Chair, Chele Hipp regarding the 2012-2013 Art on the Green sculpture project that is scheduled to run for 6 months starting on September 1, 2012 through March 1, 2013. Eight sculptures will be displayed; 6 will be located in Central Park and 2 will be directly in front of City Hall. The call for artists has been posted on the City's website, applications are due in April and selections will be made in May. The opening ceremony will take place on September 15.

Ms. Hipp advised that Olga Viso, a Rollins college graduate will be the curator for this exhibition. Currently, Olga is the Director of the Walker Art Center in Minneapolis, which is one of the nation's top five contemporary art museums. Ms. Hipp thanked the City for their first sponsorship, along with Massey Services, Inc. who matched the City's donation. She also thanked DePrince, Race and Zollo Inc., AHG Group LLC, Fannie and Scott Hillman of Fannie Hillman & Associates, the Keewin Real Property Company, the Pizutti Companies and Trilogy Global Advisors.

b. Proclamation - Recognition of Louis Roney being inducted into the Florida Artists Hall of Fame

In honor of Mr. Roney's recent induction into the Florida Artists Hall of Fame, Mayor Bradley read a proclamation and declared March 12, 2012 as "Louis Roney Day". Mr. Roney was recognized for his outstanding achievements and contributions to the City. Mayor Bradley thanked him for his service to our country during World War II and for sharing his incredible talents.

c. Proclamation - Girl Scouts 100th anniversary

Mayor Bradley announced that today the Girl Scouts of America is celebrating their 100th anniversary. Mayor Bradley proclaimed the week of March 12, 2012 as Girl Scouts Week in Winter Park. CEO of Girl Scouts of Citrus Maryann Barry, Girl Scout Leaders Jennifer Bradley and Mary Margaret Shimada were present along with several girl scouts, brownies and daisy's to accept the proclamation.

d. Presentation to Cynthia Bonham, City Clerk for achieving her Master Municipal Clerk (MMC) designation

Florida Association of City Clerks Central East District Director Tracy Ackroyd presented Cynthia (Cindy) Bonham with her certificate for achieving her Master Municipal Clerk (MMC) designation. Also present were City Clerks Maria Waldrop, City of Maitland; Angela Apperson, City of Cape Canaveral; Barbara Barbour and Deputy City Clerk Linda DeBonis, City of Oviedo.

Mayor Bradley congratulated Ms. Bonham on her milestone achievement and thanked her for her dedication and contributions to the City.

e. Proclamation - Purchasing Month

Mayor Bradley read a proclamation announcing the month of March 2012 as "Purchasing Month". Purchasing Manager Carrie Woodell and Purchasing Agents Anthony Durham and Jennifer Jones were present to accept the proclamation. Mayor Bradley recognized the Purchasing Division for their hard work and dedication.

f. Appointment of 'Wired for Winter Park' Task Force

This item was moved to Action Items Requiring Discussion.

City Manager's Report

Discussed: The Pro-Shop is completed with the ribbon cutting event scheduled for early April, the hazardous waste pickup is returning to Winter Park with the first event being held on Earth Day; and the State Legislative session finished up last

Friday (the pension bill did not pass). A more detailed briefing will be provided at a later date. City Manager Knight answered questions.

City Attorney's Report

No items.

Non-Action Item

a. Financial Report – January 2012

Finance Director Wes Hamil provided the financial report for January 2012.

Motion made by Mayor Bradley to accept the financial report along with the caveat to management that they watch closely both the loss of revenue and offset, as is possible and any shortfalls in revenue with appropriate expense adjustments; seconded by Commissioner Sprinkel. Mr. Hamil answered questions. **The report was approved by acclamation with a 5-0 vote.**

Consent Agenda

- a. Approve the minutes of 2/27/12. **PULLED FOR DISCUSSION, SEE BELOW.**
- b. Approve the following purchases, contracts, and bids:
 1. PR 148771 to Bartow Chevrolet for six (6) Chevrolet Caprices for Police Department; \$155,598
 2. Continuing services contract with Herbert-Halback, Inc. (RFQ-2-2012) for Professional, Architectural & Engineering Services (Discipline: Landscape Architect), and authorize the Mayor to execute the contract. **PULLED FOR DISCUSSION, SEE BELOW.**
 3. Continuing services contract with Miller Legg (RFQ-2-2012) for Professional, Architectural & Engineering Services (Discipline: Landscape Architect), and authorize the Mayor to execute the contract. **PULLED FOR DISCUSSION, SEE BELOW.**
 4. Piggybacking the Lake County contract with Helena Chemical Company for Agricultural Chemicals and authorize the Mayor to execute the Piggyback Contract; \$100,000.
 5. Piggybacking the City of Orlando contract with Unifirst Corporation for rental of work uniforms and authorize the Mayor to execute the Piggyback Contract.
 6. Staff to enter into negotiations with the top ranked firms, Bellomo-Herbert & Company; Le-Huu Partners; Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Parks & Recreation), RFQ-2-2012. **PULLED FOR DISCUSSION, SEE BELOW.**
 7. Staff to enter into negotiations with the top ranked firm, Environmental Research & Design, Inc.; Continuing Contracts for Professional, Architectural

- & Engineering Services (Discipline: Lake Management), RFQ-2-2012. **PULLED FOR DISCUSSION, SEE BELOW.**
8. Staff to enter into negotiations with the top ranked firms, Matern Professional Engineering; Shaw Environmental & Infrastructure, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Green Planning & Engineering), RFQ-2-2012. **PULLED FOR DISCUSSION, SEE BELOW.**
 9. Staff to enter into negotiations with the top ranked firm Southeastern Surveying & Mapping Corporation, Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Survey Services), RFQ-2-2012. **PULLED FOR DISCUSSION, SEE BELOW.**
 10. Staff to enter into negotiations with the top ranked firm Kelly, Collins & Gentry, Inc., Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Roadway Design), RFQ-2-2012. **PULLED FOR DISCUSSION, SEE BELOW.**
- c. Approve the request to locate temporary modular classrooms and administration building during construction of Bush Science Center addition, subject to providing landscape buffer along both street frontages as depicted in exhibit provided and protection of shade trees. **PULLED FOR DISCUSSION, SEE BELOW.**

Motion made by Commissioner Sprinkel to approve the Consent Agenda Items 'b.1', 'b.4' and 'b.5'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' – Approve the minutes of 2/27/12.

Mayor Bradley referenced page 2, the 90 day plan. He recalled that he suggested they discuss the use of the Progress Point property and not the sale.

Motion made by Mayor Bradley to approve the minutes to reflect that Mayor Bradley suggested to place the process for use of the Progress Point property on the April 4 Strategic Session meeting; seconded by Commissioner Leary.

Commissioner Cooper referenced page 11 regarding her motion to table (Selection of an Architectural Firm for the design of the Amtrak Station). She clarified and noted that her motion was to table the item until such time as both firms have been given an opportunity to make a presentation. City Manager Knight acknowledged that her information has been verified and is correct. Mayor Bradley said with this adjustment he would incorporate that into his overall motion of approval; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Consent Agenda Items 'b.2', 'b.3', 'b.6', 'b.7', 'b.8', 'b.9' and 'b.10'.

Commissioner McMacken addressed these Consent Agenda items together. He asked how many of these firms have offices in Winter Park. City Manager Knight said he believes there is only one firm, Miller Legg.

Motion made by Commissioner McMacken to approve Consent Agenda items 'b.2', 'b.3', 'b.6', 'b.7', 'b.8', 'b.9' and 'b.10'.; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Consent Agenda Item 'c' - Approve the request to locate temporary modular classrooms and administration building during construction of Bush Science Center addition, subject to providing landscape buffer along both street frontages as depicted in exhibit provided and protection of shade trees.

Commissioner Cooper shared her concern with the removal of approximately 20 trees, but particularly the cedar tree since it is healthy. She asked if there is any way they could save the cedar tree.

Scott Bitikofer, Director of Facilities Management for Rollins College, explained that due to the buildings being of modular nature it created much difficulty with the layout of the site which impacted the ability to keep the trees. Their arborist reviewed the layout and prescribed which trees would have to be removed and/or replaced and that Rollins College has agreed to all of the requirements to make up for the loss of trees. He also advised that the students in the Art Department will be able to use the cedar from the tree for carving. Mr. Bitikofer answered questions relating to the modular buildings that will be used for laboratories and advised that those buildings will have fume hoods.

Building and Code Enforcement Director George Wiggins explained that this item is being brought forward due to a provision in our current ordinance which relates to moving buildings into or within the City. He also explained the overall process.

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

Action Items Requiring Discussion

- a. Appointment of 'Wired for Winter Park' Task Force

Motion made by Mayor Bradley that they appoint a task force, which per our recently changed ordinances allows us to do that for up to 6 months, to explore in the City opportunities to use technology in new and greater ways to reduce costs to our citizens along with assuring that we are

regionally leading in all things technological; seconded by Commissioner Sprinkel.

Mayor Bradley advised that he believes the task force will comprise of 7 members and if this motion passes he will be bringing back recommendations at the next meeting.

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 Comments

Paul Vonder Heide, 100 E. Rockwood Way, spoke in opposition to the surveillance video cameras throughout the City and urged the Commission to remove them immediately.

Public Hearings

a. Request of Windermere Winter Park Venture LLC:

ORDINANCE NO. 2870-12: 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 CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 444 WEST SWOOPE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 2871-12: 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 CHANGE THE FUTURE LAND USE DESIGNATION OF SINGLE FAMILY RESIDENTIAL TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 444 WEST SWOOPE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read both ordinances by title. This public hearing was heard as one simultaneous public hearing.

Motion made by Commissioner Leary to adopt the comprehensive plan ordinance; seconded by Commissioner Sprinkel. No public comments were made. **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.** Commissioner Cooper explained at the last meeting her reasoning for voting no.

Each Commissioner advised that they had no ex-parte communications since the last meeting.

Motion made by Commissioner Sprinkel to adopt the zoning ordinance; seconded by Commissioner McMacken. 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. 2872-12: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, IMPOSING AND EXTENDING A TEMPORARY MORATORIUM FOR AN ADDITIONAL FORTY-FIVE (45) DAYS ON THE FILING AND RECEIPT OF ANY APPLICATION FOR, OR ISSUANCE OF, BUSINESS TAX RECEIPTS, BUSINESS LICENSURE AND LAND USE APPROVALS FOR THE OPERATION OF "PAIN MANAGEMENT CLINICS"; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown the ordinance by title.

Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Cooper. No public comments were made. A brief discussion ensued regarding the consistency with the current legislation that was recently passed. Attorney Brown said the ordinance will allow Orange County to finish up their study and once it is finalized a permanent ordinance will come forward. **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.**

Mayor Bradley requested that this item be listed on the 90-day plan for a follow-up. City Manager Knight acknowledged.

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE VIII, "HISTORIC PRESERVATION" SO AS TO PROVIDE CLARITY, IMPROVE FUNCTIONALITY AND TO ALLOW THE CITY TO MEET THE STANDARDS FOR PARTICIPATION IN THE FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM. First Reading

This item was tabled per the request of the Historic Preservation Board.

A recess was taken from 4:57 p.m. to 5:09 p.m.

- d. Equalization Board Hearings:

Attorney Brown read both resolutions by title.

RESOLUTION NO. 2103-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES,

DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG VIA SALERNO AND MAYFIELD AVENUE FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

Motion made by Commissioner McMacken to adopt the resolution; 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.**

RESOLUTION NO. 2104-12: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV (BHN) FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ADJACENT TO VIA SALERNO AND MAYFIELD AVENUE, PROVIDING AN EFFECTIVE DATE.

Motion made by Commissioner Sprinkel to adopt the resolution; seconded by Commissioner McMacken. 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.**

City Commission Reports:

a. Commissioner Leary

Commissioner Leary thanked everyone for an outstanding job with the St. Patrick's Day Parade and commented that it was a great family event.

b. Commissioner Sprinkel

Commissioner Sprinkel announced that sometime next month the Martin Luther King Task Force will be bringing forth information to the Commission.

Commissioner Sprinkel asked what time the Strategic Planning meeting will start because she would like to participate in the 8:30 a.m. walking event. City Manager Knight said the meeting is scheduled to start at 9:15 a.m. which would allow them to participate in the walking event.

Commissioner Sprinkel suggested that they review the agenda for the Strategic Planning session beforehand. There was consensus that staff provides a draft agenda at the next Commission meeting. City Manager Knight acknowledged.

Commissioner Sprinkel asked if there is a mechanism by which the Commission can check the status of a project once it has been approved by the City Commission. Planning Director Jeff Briggs offered to prepare an on-going report that would list the project and the status. The Commission said they look forward to receiving the information. Mayor Bradley suggested that the Economic Development Department might want to consider preparing a similar report.

c. Commissioner Cooper

Commissioner Cooper spoke briefly about CDD bonds and asked if they can obtain summary data from the bond consultant that would show how many times this new instrument has been used in the market, where it has been used and how successful it is. She felt it would be most advantageous to have this information prior to the decision making. City Manager Knight acknowledged the request.

Commissioner Cooper asked for support to discuss the possibility of establishing an Architectural Review Board. There was no support to move forward with this.

d. Commissioner McMacken

1. City Hall front yard

Commissioner McMacken addressed the retention pond in the front of City Hall that abuts Park Avenue and the capability of managing our stormwater runoff through an exfiltration system. By doing this it would allow us to create a green space in front of City Hall where the retention pond currently is. He felt that now would be a good time to improve the outside appearance of City Hall to coincide with the interior renovations that are currently being completed. He also wanted to see landscaping improvements throughout the grounds of City Hall which would also compliment the green space. He asked for support for staff's assistance with this. Mayor Bradley added to the list that the curbs in the back parking lot be painted. There was consensus for staff to move forward with this request. City Manager Knight acknowledged the request and will report back to them.

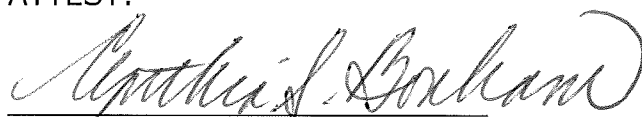
e. Mayor Bradley - no report.

The meeting adjourned at 5:15 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham