

REGULAR MEETING OF THE CITY COMMISSION
August 13, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:34 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Reverend Anthony Borka, St. Dorothy Catholic Church, 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 Commissioner McMacken to approve the agenda as presented; seconded by Commissioner Leary and approved by acclamation with a 5-0 vote.

Citizen Budget Comments

Susan Skofield, Executive Director of the Historical Association, spoke in favor of the funding they have received and encouraged continued support.

Mayor's Report

No items.

City Manager's Report

Per the Commissions' request, City Manager Knight distributed a copy of the Electric Underground Project report dated August 13, 2012.

a. Report on quiet zones

Mayor Bradley provided a brief summary and recommended that staff discuss this with the City of Orlando and Maitland since they are one of the first three municipalities who are willing to take this on. Mayor Bradley also recommended that we continue to pursue federal and state funding.

It was mentioned by both Mayor Bradley and Commissioner McMacken that the most important item is the design portion along with the associated costs and that

there might be a cost savings advantage if this can be done along with Orlando and Maitland.

Following a brief discussion, a majority of the Commission requested that City staff coordinate our efforts with City of Orlando and Maitland and for City Manager Knight to bring back a detailed report including the potential costs/financial information for review. The Commission requested to add this item on the next agenda as an action item.

Questions of the Commissioners included how much fence is required if we do not proceed with quiet zones and if these quiet zones are being moved forward under noise abatement or safety. Public Works Director Troy Attaway said a fence is required between the two train tracks in the area of the Sun Rail platform. City Manager Knight said it relates to eliminating the noise.

Additional item

Mayor Bradley asked that the installation of bicycle lanes on Lakemont and Aloma be added to City Manager Knight's action list of items to complete. A majority of the Commission agreed with the request.

City Attorney's Report

No items.

Non-Action Item

a. Financial Report – June 2012

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

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

Consent Agenda

- a. Approve the minutes of 7/23/2012.
- b. Approve the following contracts and bid:
 1. Renewal with Metlife for RFP-18-2008 Group PPO Dental Benefit and authorize the Mayor to execute the Renewal Package document.
 2. Amendment 1 to Castille Company, Inc. for IFB-11-2011 Concrete Services; and authorize the Mayor to execute the Amendment.
 3. Amendment 1 to A. L. Construction Enterprises, Inc. for IFB-11-2011 Concrete Services and authorize the Mayor to execute the Amendment.
 4. Amendment 1 to Allcrete, Inc. for IFB-11-2011 Concrete Services and authorize the Mayor to execute the Amendment.

5. Amendment 1 to Compilog Construction Division for IFB-11-2011 Concrete Services; and authorize the Mayor to execute the Amendment.
 6. Piggybacking Orange County contract Y11-1067 with Hubbard Construction Company for Furnish Asphalt Products; and authorize the Mayor to execute the piggyback contract.
 7. Piggybacking Orange County contract Y11-1067 with Middlesex Asphalt, LLC. for Furnish Asphalt Products; and authorize the Mayor to execute the piggyback contract.
 8. Piggybacking GSA Contract GS-07F-0115Y with General Sales Administration, Inc. dba Major Policy Supply for Total Solutions for Law Enforcement; and authorize the Mayor to execute the piggyback contract.
 9. Award to Brown & Brown of Florida, Inc., RFP-13-2012 Insurance Agent/Broker of Record; and authorize the Mayor to execute the contract.
- c. Approve the staff revisions to the City Debt Management Policy to address recommendations from the City Commission from the June 11, 2012 Commission meeting. – **PULLED FOR DISCUSSION, SEE BELOW**
- d. Approve the City's membership in the Florida Municipal Power Agency (FMPA); and authorize the Mayor to execute the Interlocal Agreement. – **PULLED FOR DISCUSSION, SEE BELOW**

Motion made by Commissioner Cooper to approve Consent Agenda items 'a' and 'b.1-9'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item 'c' - Approve the staff revisions to the City Debt Management Policy to address recommendations from the City Commission from the June 11, 2012 Commission meeting.

Mayor Bradley questioned why it would be a conflict of interest for a related party of the financial advisor to submit a hard bid. Attorney Brown and City Manager Knight suggested that if it were a competitive bid versus a negotiated sale it would not be a conflict. The Commission directed that the policy be modified to only exclude negotiated sales as a conflict.

Motion made by Commissioner Cooper to approve Consent Agenda Item 'c'. Motion failed for lack of a second.

Motion made by Mayor Bradley to table this item and for City Manager Knight to review this policy again with potential changes to it; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item 'd' - Approve the City's membership in the Florida Municipal Power Agency (FMPA); and authorize the Mayor to execute the Interlocal Agreement.

Mayor Bradley asked if this would create any additional liability. Commissioner McMacken shared the same concern. Electric Utility Director Jerry Warren said it does not.

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

Action Items Requiring Discussion

a. Winter Park Memorial Hospital's "Pink Out" promotion for 2012

Mayor Bradley recused himself from voting by virtue of his employment with the Winter Park Hospital but noted that he personally supports it. Form 8B, Conflict of Interest, is made part of this record. Mayor Bradley turned the meeting over to Vice Mayor Leary.

Teresa Mairn with Winter Park Hospital provided a Powerpoint presentation. She explained that for the second year, Winter Park Memorial Hospital is proposing for City of Winter Park, Park Avenue and Hannibal Square to "go pink" during the month of September and October to bring awareness to breast health and the importance of the early detection of breast cancer.

Motion made by Commissioner McMacken to approve "Pink Out Winter Park"; seconded by Commissioner Sprinkel. Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. Mayor Bradley did not vote.

b. Future Post Office discussions

City Manager Knight explained the letter he sent on July 20, 2012 on behalf of the City to the post office requesting a meeting regarding first right of refusal on the property. Mr. Knight distributed a copy of the response letter from the post office dated August 6, 2012 stating that at this time the property is not available for sale, nor do they anticipate the property becoming available in the foreseeable future. The letter also included the process and procedures that they will follow should they be willing to dispose of the property.

A brief discussion followed as to how they should proceed, if they should negotiate individually or as a team. Mayor Bradley clarified that the decision before them is that the entire Commission will represent the City in any negotiations or communications with the post office.

Commissioner Cooper addressed the need to be persistent and that as a private citizen she will continue to work toward this goal. Commissioner Sprinkel felt the response letter from the post office clearly defines their process for disposing of the property.

Motion made by Mayor Bradley that this is not the purvey of any one single Commissioner but the entire Commission; seconded by Commissioner Sprinkel.

Upon further discussion, Commissioner Leary suggested we stay in touch with our delegation and let the lobbyist handle it. Mayor Bradley and Commissioners McMacken and Sprinkel agreed.

Bill Shallcross, 1450 Bonnie Burn Circle, wished the Commission success on future negotiations with the post office.

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.

There was a majority consensus that we continue to keep an eye on this item. Commissioner Cooper preferred that we visit and become a known entity to the post office but will accept the decision of the Commission.

Mayor Bradley requested to add this item to the City Manager's Report so they can keep track of it. City Manager Knight acknowledged.

Public Hearings

- a. ORDINANCE NO. 2880-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ESTABLISHING THE KEEP WINTER PARK BEAUTIFUL AND SUSTAINABILITY ADVISORY BOARD; AMENDING SECTIONS 2-47, 2-57, AND 2-62 OF THE MUNICIPAL CODE; REPEALING SECTION 2-57 OF THE MUNICIPAL CODE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. With the adoption of this ordinance, the Environmental Review Board will be dissolved.

Motion made by Commissioner McMacken 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.

Mayor Bradley advised that he will be making appointments to this board at the next Commission meeting. (Note: the correct name of this board is: Keep Winter Park Beautiful and Sustainable Advisory Board).

b. Request of Interlachen Guarantor, LLC:

Planning Director Jeff Briggs provided the history and background for the request to extend the conditional use approval for an additional two years (to expire October 14, 2014) granted to the Ye Olde Bric condominium project located at 125 S. Interlachen Avenue. He explained why the zoning code provides for the expiration of conditional uses and as long as this project maintains a valid conditional use approval, it is vested under the Comprehensive Plan and Zoning Regulations in place when the project was approved in September 2006. In this case, the R-4 zoning district has been revised to reflect the policy adopted within the Comprehensive Plan that limits buildings to no greater than three stories in height within the Central Business District. The CBD includes the properties on the west side of Interlachen Avenue.

He also explained that the vesting of the additional building lot coverage granted (55% vs. 40% footprint) is not really an issue. The only question is for how long will the City vest the added height (4 stories - 45 feet versus 3 - 35 feet stories).

He commented that staff does not see any change in the conditions from August, 2010. The state of the residential condominium market is unchanged as are the characteristics of the surrounding area and the financial situation with this property. Staff recommendation is for approval of the extension until October 14, 2014.

Mr. Briggs answered questions and advised that no development agreement exists on this property; only the conditional use.

Motion made by Commissioner Cooper to approve the conditional use request; seconded by Commissioner Sprinkel.

Applicant Jim Moye provided a brief background and urged the Commission to grant the request.

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. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-65 "R-1AAA LAKEFRONT DISTRICT," AND SECTION 58-66 "R-1AA AND R-1A DISTRICTS," BY ADDING A SPECIAL SIDE SETBACK OPTION FOR NARROW LOTS PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Building Director George Wiggins explained that prior to the second reading of the single family "glitch" ordinance staff received a request from resident Robert Poynter for a setback accommodation for architectural setback flexibility for new homes on small lots. This would only apply if built with garages in the rear. The City Commission was interested in this change but wanted a recommendation from

P&Z before proceeding. The P&Z Board discussed the request at length with a vote of 4-2 in favor of the request.

Mr. Wiggins explained the intent of the ordinance (only on small lots 60 feet or less and only if the garage is located in the rear) to remove the wedding cake setbacks (greater setbacks for the second floor). It increases the setback from 6 feet to 8 feet on the non-driveway side while allowing the setback on the driveway side to be 10 feet versus the current requirement for an 11 foot setback. It basically averages the side setbacks on the interior side from 6 feet - first floor and 11 feet - second floor to a consistent 8 feet. Under the current rules, if one does not want the wedding cake setbacks then both floors would be built with a 10 foot setback, so the change is for 2 feet. This change would accommodate certain architectural styles such as a Colonial or Italian Renaissance style of architecture.

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

Mr. Wiggins responded to questions pertaining to setbacks and driveway widths.

Robert Poynter, 1309 Alberta Drive, spoke in favor of his request.

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

Bill Shallcross, 1450 Bonnie Burn Circle, spoke about quiet zones and the need for public input.

City Commission Reports:

a. Commissioner Leary

1. Commissioner Leary reminded everyone to vote tomorrow if they haven't already.
2. Commissioner Leary asked for a status on the item that was tabled concerning the proposed second floor commercial zoning for Park Avenue and Comstock. Planning Director Jeff Briggs said EDAB is meeting tomorrow to discuss the item, P&Z will discuss this on September 11 and this issue will be on the September 24 Commission agenda.
3. Commissioner Leary asked for an update on the white paper report from ULI. CRA Director Dori Stone said it will be distributed at the end of the month along with their Economic Development Annual Report.

4. Commissioner Leary announced that next week Rollins college students will be returning to school.

b. Commissioner Sprinkel

1. Commissioner Sprinkel requested that we do not overload the City with too many wayfinding signs.

2. Commissioner Sprinkel requested a summary report be provided for grants applied for and grants received and electric car charging station usage.

3. Commissioner Sprinkel reminded everyone that school starts next Monday in Orange County.

4. Commissioner Sprinkel mentioned that she has received several phone calls from citizens regarding unfinished buildings/houses throughout the City and inquired about the process. Code Enforcement Director George Wiggins explained that the City has an ordinance that addresses this type of issue and once reported, their department will address the request.

5. Commissioner Sprinkel again mentioned that she would like for the City to implement a revolving credit card system so residents can pay their electric and water bills. She asked if staff can look into this.

c. Commissioner Cooper

1. Commissioner Cooper congratulated City Manager Knight and Jerry Warren on maintaining the AA rating from Fitch.

2. Commissioner Cooper addressed other cities implementing a code which requires window treatments on vacant buildings. When speaking to some Park Avenue merchants about this concept, they shared their interest in possibly displaying their merchandise in the windows. She said that it sounds as if there might be a cooperative effort and suggested having the CRA Department investigate this further.

3. Commissioner Cooper shared her concern with her disappointment that they had been asked to vote on a resolution in support of quiet zones prior to being provided the 2010 report defining the tradeoffs necessary for quiet zones. Commissioner Cooper asked that staff provides to them all reports and information pertaining to agenda topics prior to their decision making.

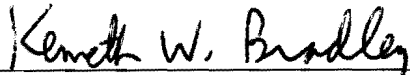
d. Commissioner McMacken

1. Commissioner McMacken shared his concern with the agenda packet file being too large and hard to download from the website. He asked that staff break down the files if they are too large in size.
2. Commissioner McMacken requested that the median on Pennsylvania and Fairbanks Avenues be cleaned up. Mr. Attaway explained that we do not want to jeopardize our project and that the City will take it over once FDOT has finalized our project.

e. Mayor Bradley

1. Mayor Bradley asked when the Commission will see the list of City goals. City Manager Knight said the item is being finalized and will be coming to them shortly.
2. Mayor Bradley reminded everyone that the budget conversation will be on the next agenda.

The meeting adjourned at 5:21p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

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

LAST NAME—FIRST NAME—MIDDLE NAME BRADLEY Kenneth Wayne	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Winter Park City Commission
MAILING ADDRESS 1612 Elizabeth's Walk	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Winter Park Orange	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED August 13, 2012	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Kenneth W. Bradley, hereby disclose that on August 13, 20 12:

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

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am employed by AHS/Florida Hospital @ Winter Park Memorial Hospital. Winter Park Memorial Hospital is co-sponsoring the Pink Out for Breast Cancer awareness.

August 13, 2012
Date Filed

Kenneth W. Bradley
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.