

REGULAR MEETING OF THE CITY COMMISSION
July 22, 2013

The meeting of the Winter Park City Commission was called to order by Reverend Talia Raymond, First Congregational Church at 3:32 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Talia Raymond, First Congregational 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
Deputy City Clerk Michelle Bernstein
City Clerk Cynthia Bonham

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

- a. Employee of the Quarter – Randy Jones, Foreman of Water & Wastewater Division

Mayor Bradley recognized Randy Jones, Water & Wastewater Division Foreman, as employee of the Second Quarter 2013 and thanked him for his dedication.

City Manager's Report:

Capen House Update

City Manager Knight addressed his meeting with Assistant City Attorney Bill Reischmann and the representatives of the Pokorny family who reassured the City that things are moving along. As of Friday the Pokorny's did not have a signed agreement but were very optimistic that one would be forthcoming. City Manager Knight noted that the Albin Polasek Museum is involved with relocating the home and they plan on moving it onto the property next to the museum. Currently, the Albin Polasek Museum, the Historical Association, the Friends of Casa Feliz and other volunteers are working together to help raise the money that is needed to move the house.

Strategic Planning Scheduling

City Manager Knight followed up to an email that the City Clerk's office sent out last week regarding the scheduling of the strategic planning session for the first or second week in September. Following a brief discussion, the Commission was directed to RSVP to his office or the Clerk's office to secure the date.

City Attorney's Report – No items.

Non-Action Item

a. May 2013 Financial Report

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

Motion made by Commissioner Sprinkel to approve the report as presented; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Public comments (5:00 p.m.)

Joan Cason, 1915 Woodcrest Avenue, thanked City staff for the wonderful job they did with re-routing the construction traffic on Lakemont and Mizell Avenue.

Consent Agenda

- a. Approve the minutes of 7/8/13.
- b. Approve the following purchases, contract, task order and change orders:
 1. Blanket Purchase Order to Wheeled Coach for the purchase of Fire Rescue Vehicles and Other Fleet Equipment piggybacking Florida Sheriff's Association Contract 11-10-1202; not to exceed \$204,000 (FY13 vehicle replacement fund); - **PULLED FOR DISCUSSION, SEE BELOW**
 2. Advanced Purchase Order to Wheeled Coach for the purchase of Fire Rescue Vehicles and Other Fleet Equipment piggybacking Florida Sheriff's Association Contract 11-10-1202; not to exceed \$190,000 (FY14 advance approval) contingent on adoption of budget to take advantage of preparing both vehicles at same time - **PULLED FOR DISCUSSION, SEE BELOW**
 3. Blanket Purchase Order to The Davey Tree Expert Co. for FY13 Professional Services, utility vegetation management; \$250,000.
 4. Blanket Purchase Order to Duke Energy for bulk power supply; \$9,000,000.00.
 5. Authorize the Mayor to execute a new agreement to the extended warranty program with Trane U.S. Inc. for additional equipment; \$24,088.
 6. Change Order No. 2, Masci General Contractor, Inc. for the Fairbanks Avenue Roadway and Wastewater System Improvements Project; \$154,028.14 and an extension of contract time of 35 days. - **PULLED FOR DISCUSSION, SEE BELOW**
 7. Task Order 2011-01 for CH2M HILL Amendment #1 Fairbanks Avenue Roadway and Wastewater System Improvements services during construction; \$263,491.00. - **PULLED FOR DISCUSSION, SEE BELOW**

Motion made by Commissioner Cooper to approve Consent Agenda items 'a' and 'b.3-5'; seconded by Commissioner Leary and approved unanimously with a 5-0 vote.

Consent Agenda Item 'b.1' - Blanket Purchase Order to Wheeled Coach for the purchase of Fire Rescue Vehicles and Other Fleet Equipment piggybacking Florida Sheriff's Association Contract 11-10-1202; not to exceed \$204,000 (FY13 vehicle replacement fund);

Consent Agenda Item 'b.2' - Advanced Purchase Order to Wheeled Coach for the purchase of Fire Rescue Vehicles and Other Fleet Equipment piggybacking Florida Sheriff's Association Contract 11-10-1202; not to exceed \$190,000 (FY14 advance approval) contingent on adoption of budget to take advantage of preparing both vehicles at same time

Fire Chief James White responded to Commissioner Leary's question pertaining to Consent Agenda items 'b.1' and 'b.2' by providing an explanation as to why the total purchasing cost exceeds \$400,000 for the two Fire Rescue vehicles listed above.

Motion made by Commissioner Leary to approve Consent Agenda item 'b.1'; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Motion made by Commissioner Leary to approve Consent Agenda item 'b.2'; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.

Consent Agenda Item 'b.6' - Change Order No. 2, Masci General Contractor, Inc. for the Fairbanks Avenue Roadway and Wastewater System Improvements Project; \$154,028.14 and an extension of contract time of 35 days.

Consent Agenda Item 'b.7' - Task Order 2011-01 for CH2M HILL Amendment #1 Fairbanks Avenue Roadway and Wastewater System Improvements services during construction; \$263,491.00.

Water & Wastewater Director David Zusi responded to Commissioner McMacken's question pertaining to Consent Agenda items 'b.6' and 'b.7' by providing an explanation as to why a change order and time extension was needed.

Motion made by Commissioner McMacken to approve Consent Agenda items 'b.6', and 'b.7'; seconded by Commissioner Cooper and approved unanimously with a 5-0 vote.

Action Items Requiring Discussion

- a. Budget discussion and set the tentative millage rate.

City Manager Knight explained that the tentative millage rate set by the Commission today will be published on the TRIM notices that will be sent out in August by the Orange County Property Appraiser's office. City Manager Knight answered questions.

Motion made by Commissioner Sprinkel to approve the tentative millage rate (cap) of 4.0923 plus the voted debt service millages of .1004 and .2092; seconded by Commissioner Cooper.

Gregory Seidel, 1250 Richmond Road, asked that the electric company profits be utilized for the electric undergrounding program and not for street lights. He explained that according to the proposed budget the profits from the electric are being utilized to subsidize a City service which in turn is allowing them to keep the millage rate the same. He preferred to increase the millage rate so that the undergrounding program can remain on schedule.

Mayor Bradley acknowledged the above comment and that this should be looked at when they discuss the overall budget. Commissioner Leary wanted to also discuss the tree budget if they are seriously considering undertaking the task of right-of-way trees.

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. Power Purchase Agreement with Clean FootPrint, LLC.

Electric Utility Director Jerry Warren explained that at the June 24 meeting the Commission approved a go forward power supply portfolio which included the installation of a 2.25 MW of solar photovoltaic to be installed in a canopy configuration at the City's Central Public Works compound located north of Howell Branch Road. During that meeting several Commissioners raised concerns with the long term nature of the solar component and the possible constraints it may have for the future use of the central facility/land. Staff has discussed/negotiated with Clean Footprint and offered the following as proposed solutions to those concerns.

- 1) The 2.4 MW facility was reduced to 2.25 MW and reconfigured to shift the facility further north, away from the more marketable segments of the City's 30 acre site (i.e. the higher elevation segments of the property bordering the businesses on Howell Branch Road).
- 2) Clean Footprint has offered the City the option to purchase the facility at any point following the 6th year of operation with 180 days' notice at a price equal

to the greater of fair market value or the termination amount contained in the agreement.

- 3) Clean Footprint has offered a restructured agreement that has an initial 10 year term with 5 year renewable terms. The City can give 180 day notice prior to the expiration of any term to discontinue the contract and have the facility removed. Under this option, the City is obligated to reimburse the Provider its reasonable costs to remove, not to exceed \$1/watt.
- 4) Additionally, at the end of any of the terms, the contract would allow the City to relocate portions of the canopy solar project at its own expense to accommodate any future needs that the city may have for site development and/or reconfiguration of the Public Works compound.

Mr. Warren answered questions relative to the potential costs involved with moving the equipment off site should the City wish to sell the land at a later date. Discussion transpired regarding the site or if another nearby location would be more suitable as well as the associated benefits with having a solar canopy, including property value increases/tax advantages.

Commissioner Cooper spoke about it being all about the land and its value, along with the opportunity cost to the future residents for needs that we cannot define at this time.

Motion made by Mayor Bradley to approve the agreement with Clean Footprint and request that staff bring back possible alternative sites within our City by our next meeting. Mr. Warren explained that the agreement needs to be approved no later than July 31 in order to secure the 6.5 cent/kWh rate. **Mayor Bradley withdrew his motion.**

Motion made by Commissioner Sprinkel to approve the agreement with Clean Footprint; seconded by Mayor Bradley.

Commissioner Leary disagreed with having to make a decision by July 31 and was not comfortable with moving forward since they are not sure what their future needs might be for this property. He did not want to tie the hands of future Commissions just to gain .06% towards our energy supply needs.

The following spoke in favor:

Deirdre Macnab, 1860 Summerland Avenue
Mary Randall, 1000 S. Kentucky Avenue

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

Public Hearings:

- a. Request of Mr. Phil Kean: To alter the exterior architectural style of the project for the conditional use permit granted to the Ye Olde Bric Condominium property at 125 S. Interlachen Avenue to permit the redevelopment of the property and the construction of a four story, six unit residential condominium building of 23,500 square feet in size with underground parking on the property zoned R-4.

Planning Director Jeff Briggs explained that Mr. Phil Kean intends to develop this project based upon the 2006 approvals and entitlements but that his plans involve a completely different architectural style from that originally approved.

Mr. Briggs explained that the Commission is not being asked to evaluate any of the particulars of this project except the change in architectural style. In this case they are changing from a Mediterranean image to a modern contemporary image.

Under the Code there are certain changes which are deemed "significant changes" that require a subsequent review and recommendation from the Planning & Zoning Board (P&Z) and approval by the City Commission. Mr. Briggs noted that on July 2, 2013 the P&Z Board voted 5-0 in favor of the request.

Commissioner Cooper explained that this property is surrounded on three sides by the Interlachen Historic District and that she would feel more comfortable having the Historic Preservation Board provide input whether or not this is the right location for an ultra-modern home.

Discussion ensued regarding the boundaries of the Historic District, if the newly proposed architectural style would be detrimental to the District and if this should be filtered through our Historic Preservation Board. A majority of Commission members agreed that they are the Board to make the decision since the property is located outside of the Historic District.

Motion made by Commissioner Cooper to approve; seconded by Commissioner Sprinkel.

Senior Designer James Lucia, Phil Kean Design Group, 1925 South Boulevard, Maitland, spoke on behalf of the applicant. He provided input on the diverse architectural styles and how they contribute to a community's vibrancy. He encouraged the Commission to approve the request.

Josh Tillotson, speaking on behalf of the owners at 147 Interlachen (Condominium Association), said the owners wanted to make sure that the outside views remain the same.

The following spoke in opposition to the contemporary architectural style:

Carol Rosenfelt, 1400 N. New York Avenue

Mary Randall, 1000 S. Kentucky Avenue

Sally Flynn, 1400 Highland Road

Charles F. Riley, 100 S. Interlachen Avenue

Motion amended by Commissioner Cooper to send this to the Historical Preservation Board. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that allows Mr. Kean the option of proceeding with the conditional use as a traditional or a Mediterranean or something that he would feel would be more in keeping with the historic continuity of Interlachen. Attorney Brown provided legal counsel regarding the amendment. Commissioner Cooper clarified her motion in that they should allow Mr. Kean the option to think about the impact on Interlachen and the request of his neighbors/friends to consider his personal option of building something that is more in keeping with the existing conditional use approval. **Motion was seconded by Commissioner McMacken.** Discussion ensued regarding the wording, interpretation and intent of the above amendment. **Commissioner Cooper withdrew her amendment.**

Motion amended by Commissioner Cooper to approve the conditional use for what has been approved, the Mediterranean style or this one; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 5-0 vote.

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

A recess was taken from 5:15 p.m. to 5:40 p.m.

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA REPEALING OBSOLETE PROVISIONS AND AMENDING CHAPTER 98, TRAFFIC AND VEHICLES, ARTICLE VI, TRAFFIC LIGHT SAFETY ACT, OF THE CITY CODE TO IMPLEMENT CHAPTER 2013-160, LAWS OF FLORIDA; PROVIDING FOR LOCAL HEARING OFFICER CONSISTENT WITH GENERAL LAW; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.
First Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Leary. No public comments were made.

Attorney Brown spoke about the wording of the ordinance and that it requires the Commission to appoint by Resolution a local hearing officer. He recommended amending the language to allow the City Manager to hire a local hearing officer.

Discussion ensued regarding monetary compensation, if the hearing officer will be treated as an independent contractor, if cost sharing with other cities for the hearing officer's compensation is allowed and if the hearing results should be reported to the Commission monthly or quarterly. Mayor Bradley wanted to leave it as is which is how they voted and that Attorney Brown should work out any conflicting legal opinions and provide advice to the Commission. Attorney Brown acknowledged.

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

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING SECTION 2-107(e), ADMINISTRATIVE FINES; COSTS OF REPAIR; LIENS, OF CHAPTER 2, ADMINISTRATION, REPEALING THE CLAUSE DECLARING THAT CODE ENFORCEMENT LIENS TAKE PRIORITY OVER OTHER LIENS; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title and provided background regarding the applicable changes to the code. He explained that this ordinance would make our existing enforcement mechanisms consistent with the Florida Supreme Court case ruling.

Motion made by Commissioner Leary to accept the ordinance on first reading; 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 with a 5-0 vote.**

Mayor Bradley requested that City Manager Knight follow up with Bill Peebles and/or the Florida League of Cities to see if they have processed this Supreme Court ruling and if they find it in compliance. City Manager Knight acknowledged.

- d. ORDINANCE NO. 2920-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED" SO AS TO ANNEX THE RIGHT-OF-WAY OF ALOMA AVENUE FROM 2015 ALOMA AVENUE EAST TO THE CITY LIMITS AND THE RIGHT-OF-WAY OF BALFOUR DRIVE FROM AMSDEN ROAD SOUTH TO THE CITY LIMITS, MORE PARTICULARLY DESCRIBED HEREIN. Second Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner Sprinkel to adopt the 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 with a 5-0 vote.

- e. ORDINANCE NO. 2931-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 645 SYMONDS AVENUE, WINTER PARK, FLORIDA, IN EXCHANGE FOR THE PROPERTY LOCATED AT 813 W. NEW ENGLAND AVENUE, SUBJECT TO MINIMUM REQUIREMENTS AS SET FORTH HEREIN; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **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 with a 5-0 vote.**

- Approve the contribution to Habitat for Humanity of Winter Park/Maitland, Inc. of the building lot at 813 W. New England Avenue

Planning Director Jeff Briggs explained that Habitat for Humanity has been provided an annual donation of one building lot from the City or they have been provided an annual budget allocation of \$65,000 to use to purchase a lot. Originally, the lot at 645 Symonds Avenue was purchased with affordable housing fees collected by the City for that purpose. The City is swapping that lot for the one at 813 W. New England Avenue so this item would approve the donation or allocation of that lot to Habitat for Humanity which is Habitat's 43rd house in Winter Park and 50th house total since 1992. They will begin construction right after Labor Day and will finish next June. Mr. Briggs answered questions including information about the Trust Fund account.

Mayor Bradley said a while back the Commission requested backup information regarding the need for affordable housing within the City. City Manager Knight said he has the report and will distribute it to them via email.

Motion made by Commissioner Sprinkel to approve the contribution to Habitat for Humanity of Winter Park/Maitland, Inc. of the building lot at 813 W. New England Avenue; seconded by Commissioner McMacken.

Commissioner Leary said he understands that affordable housing is a regional issue but wondered if Winter Park has more affordable housing than our neighboring communities. He felt that once they receive the data, a discussion needs to transpire regarding the linkage fee and if it sunsets how long is it necessary for and the numbers they are looking at.

Commissioner Cooper felt it would be more advantageous to spread out our affordable housing assets throughout the community rather than in a specific location.

Linda (Walker) Chappell, 794 Comstock Avenue, disagreed with the lot swap.

Executive Director Denise Weathers, Hannibal Square Community Land Trust, requested that their organization be included in any future discussions related to affordable housing within the City so they can provide input.

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

City Commission Reports:

a. Commissioner Leary

Commissioner Leary thanked Hal George for all the hard work he does for Habitat for Humanity, the Housing Authority and the Community Redevelopment Agency.

b. Commissioner Sprinkel

Commissioner Sprinkel addressed the meeting she attended with several City staff members this morning held by Congressman Mica on the topic of transportation.

c. Commissioner Cooper

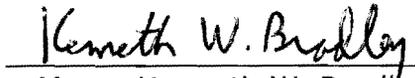
Commissioner Cooper requested that City Manager Knight provide the following: ten year pro forma, the annual change to the Parks Acquisition Fund and the Tree Preservation Fund, analysis of the parks level of service given our current population, our projected approved projects, and a breakdown of the Mead Garden capital improvements budget. The request was acknowledged.

d. Commissioner McMacken

Commissioner McMacken thanked city staff for trimming the trees on Highway 17-92 and Fairbanks Avenue. He said the trees look great.

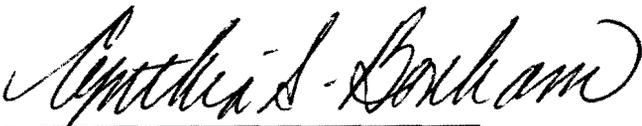
e. Mayor Bradley - No items.

The meeting adjourned at 6:18 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham