

REGULAR MEETING OF THE CITY COMMISSION
January 27, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Shawn Garvey, 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

Approval of the agenda

Mayor Bradley requested to table Item 4F to the next meeting. **Motion made by Mayor Bradley to approve the agenda with the above change; seconded by Commissioner Cooper and approved by acclamation with a 5-0 vote.**

Mayor's Report

a. Presentation – Kathy Till, Florida League of Cities, 2014 Legislative Priorities

Florida League of Cities Advocacy Programs Coordinator Kathy Till provided a brief update on the upcoming legislative priorities including pension reform, Florida Clean Indoor Air Act, vacation rentals and red light cameras.

b. Presentation – 2013 Florida League of Cities Municipal Achievement Award honoring the city's 125th Anniversary celebration

Florida League of Cities President Dr. P.C. Wu and Councilman for the City of Pensacola presented the City with the 2013 Florida Municipal Achievement Award.

c. Presentation – Holiday window contest winners

Dori Stone, Director of Planning & Community Development announced this year's Holiday Window Contest. The People's Choice Award was given to Capricci Ricci Salon. The Design Excellence Award was given to Rocket Fizz. Winners received a plaque award and an electric utility credit.

d. Recognition of core value coin recipients

City Manager Randy Knight recognized the following employees who recently received a core value coin for their outstanding public service: Carla Bahlmann, Bruce Kern, Richard Ribar, Hector Rivera, Alex Robbins, Bruce Roberts, Eric Sorg,

Kimchi Tran, Paul Denault, Dominick Marchese, Jack Bell, Luke Dunning, Cindy Giles, Johnny Miller, Ronnie Moore, Cliff Mullins, Stephanie Wilkins, Mitch Hitt, Quan Lam, David Lanphear, Daniel Maier, Joe Smirti, Sujay Sukhadia, Terry Anderson, Robert Bouey, Barry Carson, Donald Clarke, Chris Cole, Karl Ellis, Jack Hartley, David Kramer, Earnest Logan, Peter Moore, Althea Pemsel, Felix Raudales, Keitha Rhodes, Charles Simons, Eric Sorg, Hector Williams, Alonzo Austin, Rene Camilo, Mike Downey, Jaime Gonzales, Rueben Gutierrez, Doug Lafortune, Butch Margraf, Keith Moore, Bill Newman, Andy Riley, Brian Smith, Dan Stirman, Thomas Thatcher, and Kevin Tinch.

e. 2013 Tree City Certification & Growth Award

Mayor Bradley explained that this award presentation is being postponed to a future date so that the representatives from Florida Forestry Services can attend.

f. Board appointments: Code Enforcement Board, Police Pension Board

This item has been tabled to the next meeting.

Mayor Bradley congratulated and recognized the following individuals who were honored at the Chamber's annual banquet: Jerry Warren, Janet Paul and Commissioner McMacken. He also thanked staff for their coordination efforts in making the State of the City event a great success.

City Manager's Report

a. Scheduling the quarterly strategic plan discussion

By acclamation, the quarterly strategic planning meeting was scheduled for April 14.

City Manager Knight acknowledged the request for discussion regarding the recent FEMA reimbursement funds received. A majority of the Commission agreed to allow City Manager Knight and Finance Director Wes Hamil to review the City's overall finances as to how these funds might best be used and report back to the Commission by April 14.

City Attorney's Report

City Attorney Larry Brown advised that this morning the judge dismissed the Capen House lawsuit filed by concerned citizens and his office will now schedule a separate hearing regarding the motion for sanctions.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of January 13, 2014.
- b. Approve the following contracts:
 1. Piggybacking Clay County Bid No. 08/09-03 with REP Services, Inc. and Musco Lighting Services, LLC for various equipment and amenities for parks and playgrounds; and authorize the Mayor to execute purchase orders for services on an as needed basis.
 2. Piggybacking Brevard County RFP 5-12-08 with Life Extension Clinics, Inc. for Firefighter physicals; and authorize the Mayor to execute purchase orders for services on an as needed basis.
 3. Contract renewal for RFQ-2-2012 with Helman Hurley Charvat Peacock, Inc. (HHCP) for continuing contracts for Professional, Architectural & Engineering Services (Architectural Services); and authorize the Mayor to execute Amendment 2.
 4. Contract renewal for RFP-3-2009 with Hylant Group- Insurance Agent; and authorize the Mayor to execute Amendment 2.
 5. Contract renewal for RFQ-2-2012 with Associated Consulting International (ACi) for continuing contracts for Professional, Architectural & Engineering Services (Architectural Services); and authorize the Mayor to execute Amendment 2.
 6. Contract renewal for RFQ-2-2012 with CDM Smith, Inc. for continuing contracts for Professional, Architectural & Engineering Services (Stormwater Management); and authorize the Mayor to execute Amendment 2.
 7. Contract renewal for RFQ-2-2012 with Geosyntec Consultants for continuing contracts for Professional, Architectural & Engineering Services (Stormwater Management and Design); and authorize the Mayor to execute Amendment 2.
 8. Contract renewal for RFQ-2-2012 with GAI Consultants, Inc. for continuing contracts for Professional, Architectural & Engineering Services (General Civil & Public Facility Engineering); and authorize the Mayor to execute Amendment 2.
 9. Contract renewal for RFQ-2-2012 with Comprehensive Engineering Services for continuing contracts for Professional, Architectural & Engineering Services (Transportation Planning & Engineering); and authorize the Mayor to execute Amendment 2. – **PULLED FOR DISCUSSION, SEE BELOW**
- c. Approve the fee waiver for ½ of the Parks rental not to exceed \$825.00 for the Michael Andrews and SwingerHead Concert on February 9, 2014 in Central Park. **PULLED FOR DISCUSSION, SEE BELOW**
- d. Approve the budget adjustment to spend \$10,700 to replace the fence at Pineywood Cemetery using funds from the Cemetery Trust Fund.

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'a', 'b.1-8' and 'd'; seconded by Commissioner McMacken. No public comments were made. The motion carried unanimously with a 5-0 vote.

Consent Agenda item 'b.9' - Contract renewal for RFQ-2-2012 with Comprehensive Engineering Services for continuing contracts for Professional, Architectural & Engineering Services (Transportation Planning & Engineering); and authorize the Mayor to execute Amendment 2.

Commissioner Cooper asked if we could use this same consultant to provide an assessment as to the best location for a minor league baseball field. City Manager Knight said it would be allowed under this contract. Public Works Director Troy Attaway acknowledged the request.

Motion made by Commissioner Cooper to approve Consent Agenda item 'b.9'; seconded by Commissioner McMacken. Assistant City Manager Michelle del Valle answered questions pertaining to the approval process for yearly contract renewals. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda item 'c' - Approve the fee waiver for 1/2 of the Parks rental not to exceed \$825.00 for the Michael Andrews and SwingerHead Concert on February 9, 2014 in Central Park.

Commissioner McMacken asked if this event should be grandfathered in since it has come before them several years in a row. City Manager Knight said the Commission has the option to add this to the annual pre-approved event list. Parks and Recreation Director John Holland acknowledged the request to have the Parks Board review the item along with other events that are happening in Central Park and provide recommendations.

Motion made by Commissioner McMacken to approve Consent Agenda item 'c'; seconded by Mayor Bradley. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

a. Quiet zones for train horns

City Manager Knight provided background and explained that FDOT will design and construct the improvements necessary at the N. New York Avenue, Canton Avenue, and Morse Boulevard crossings using the remaining funds from the construction of our SunRail station.

The City will complete the design work for the necessary improvements at the Webster Avenue, N. Pennsylvania Avenue, Lyman Avenue, S. New York Avenue, Fairbanks Avenue, and Orlando Avenue crossings. The SunRail Operations and Maintenance contractor will accept the plans and construct these remaining grade crossing improvements. Preliminary cost estimates for the remaining crossing improvements within the City are approximately \$900,000. In an effort to

accomplish quiet zones in Winter Park, City Manager Knight suggested that we use a portion of the FEMA reimbursement funds to complete the design portion of the project.

Assistant Public Works Director Don Marcotte answered questions. He spoke about the overall process, the pros/cons with placing the design services contract out for bid versus hiring a FDOT contractor and the approximate timeline for completion (nine months to one year). He also noted that the design cost is approximately 10% of the total contract or \$140,000.

Motion made by Mayor Bradley that we implement the design work for quiet zones for the City of Winter Park and utilize either the monies left from the train station and/or the Federal funds that are available to us through our FEMA reimbursement and that the design contract at this point will not exceed \$130,000; seconded by Commissioner McMacken. City Manager Knight answered questions relative to obtaining Federal funding assistance and if we are able to be reimbursed. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

PUBLIC HEARINGS:

- a. Request of Mr. and Mrs. Truby for the property at 612 E. Lake Sue Avenue:

ORDINANCE NO. 2948-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 612 EAST LAKE SUE AVENUE; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. A simultaneous public hearing was held on this item.

City Manager Knight responded to the Commission's inquiry regarding the City's authority regarding the overall annexation process.

Motion made by Commissioner McMacken to adopt the ordinance; seconded by Mayor Bradley. 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.**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO ESTABLISH SINGLE FAMILY RESIDENTIAL FUTURE LAND USE ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE AND TO INDICATE THE ANNEXATION OF THIS PROPERTY ON THE OTHER MAPS WITHIN THE COMPREHENSIVE PLAN, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Cooper.** 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.**

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO ESTABLISH SINGLE FAMILY (R-1AA) ZONING ON THE ANNEXED PROPERTY AT 612 EAST LAKE SUE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN. First Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Cooper.** 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. 2949-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THAT CERTAIN ELECTRIC UTILITY EASEMENT AT 470 W. NEW ENGLAND AVE., WINTER PARK, FL, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, CORRECTION OF ANY SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner 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.**

- c. Request of Lakeside Winter Park LLC for property at 111 N. Orlando Avenue: Amending the conditional use site plan approval to eliminate the 4,500 square foot retail/office building in the southeast portion of the site for a 7,000 square foot retail/office building and requesting a variance of 18 parking spaces.

Planning Manager Jeff Briggs explained that the City Commission previously approved the "preliminary" conditional use with a proposed 4,000 sq. ft. branch bank in the southeast portion of the development. When the "final" conditional use came back for approval, the building was slightly revised to a 4,500 sq. ft. retail/office building whereby the City Commission approved that amendment. At

this time, the developer has a specific tenant for that building; however, they need 7,000 sq. ft. for their business thus the reason for this request. Mr. Briggs advised that the P&Z Board voted unanimously to deny this request at their January 7 meeting.

Commission discussion ensued regarding the current parking code and if it needs to be revised to address average parking usage for certain types of businesses.

Commissioner Cooper explained her opposition is because this request violates our current parking code. **Motion made by Commissioner Cooper to support the Planning & Zoning Boards denial of this request, seconded by Commissioner McMacken.** Commissioner McMacken explained that the Commission previously granted them a lakefront setback and landscape variance and that he is not comfortable granting a 10% variance at this time.

Sarah Whitaker, 1028 W. New Hampshire Street, spoke in opposition to the request.

Art Wellington, representing applicant Unicorp National Development, Inc., asked for a continuance for a short period of time to allow Chuck Woodall, President of Unicorp National Development, Inc. time to arrive.

By acclamation, this item was tabled (approximately 30 minutes) to allow the applicant to arrive and present the item.

Upon arrival, applicant Chuck Woodall, Unicorp Development, Inc., provided a brief PowerPoint illustrating the revisions to the site development and parking lot due to a recent tenant change to accommodate a Blue Cross/Blue Shield Urgent Care Facility instead of a branch bank.

Upon request, Mr. Briggs clarified that the parking code requirements for medical usage would require an additional seven parking spaces in addition to what Mr. Woodall is asking for. Attorney Brown responded to the inquiry as to what the next steps would be if the applicant wished to withdraw his current application.

Following a brief discussion, Mr. Woodall withdrew his application. Commissioners Cooper and McMacken withdrew their motion.

d. Request of the City of Winter Park:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 58-84, RELATING TO NON-RESIDENTIAL ZONING DISTRICTS AND THE CONDITIONS REQUIRED FOR A SPECIAL EVENT; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. First reading

Attorney Brown read the ordinance by title.

Building Director George Wiggins explained that this ordinance is in response to an issue that developed last year when a private organization asked for a "special event permit" to hold an "arts festival" event near the same time as the City's annual Spring Arts Festival in March. The competing event was not held but they were soliciting approval from the Winter Park Village and other commercial property owners in the downtown to stage their outdoor event near the same time which could potentially cause confusion as to the two events.

There is interest in protecting the tradition and reputations of the Spring and Autumn Art Festivals recognizing the vast number of hours that volunteers spend on preparations for and the hosting of these events. The ordinance as revised by our Planning & Zoning Board creates a non-compete window of 30 days on either side of these traditional City sponsored art festivals. It only applies to those two events and it applies equally to owners and tenants. Mr. Wiggins stated that since the rules for "special events" are in the zoning code, the P&Z Board can make recommendations. On January 7 the P&Z board voted unanimously to approve.

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

Mr. Wiggins answered questions including the overall permitting process for special events and potential adverse impacts if this ordinance was passed. Commissioner McMacken explained it is his understanding that a certain entity is wishing to piggyback on two of our premier art festival events and shared his support of the ordinance. Upon request, Attorney Brown provided legal counsel.

John King, Winter Park Art Festival, 507 N. New York Avenue, spoke in favor.

Terrance Barter, 851 W. Webster Avenue, spoke in opposition due to the 30 day window being too short of a timeframe.

Mayor Bradley inquired as to whether or not the City could limit the number of yearly special events. Attorney Brown stated that he would like to research the matter and bring back his findings. He said it would be best to define the blackout period and possibly further restrict other special events in terms of crowd size and other issues that are content neutral.

Upon a roll call vote, Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.

Public Comments (5:00 p.m.)

Joan Cason, 1915 Woodcrest Avenue, spoke about trees that have been cut down at the post office and asked if they are going to be replaced. City Manager Knight said he will look into this matter.

Public Hearings - continued

- e. RESOLUTION NO. 2131-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 197.3632, 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 SEMINOLE DRIVE; WHICH IMPROVEMENTS ARE TO 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 Commissioner Sprinkel to adopt the resolution; seconded by Commissioner Cooper. No public comments were made. City Manager Knight acknowledged the Commission's request to forward information regarding the remaining funds to be used for the plug-ins. **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.**

- f. RESOLUTION NO. 2132-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, TO EXECUTE A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE DESIGN OF THE BROOKSHIRE ELEMENTARY SCHOOL NEIGHBORHOOD SIDEWALKS (BRECHIN DRIVE, DUNBLANE DRIVE, KIMBRACE PLACE).

Attorney Brown read the resolution by title.

Motion made by Mayor Bradley to adopt the resolution; seconded by Commissioner Sprinkel.

Public Works Director Troy Attaway explained the intent of the resolution and answered questions. Commission comments included to do a tree survey prior to sidewalk installation and that a tree route friendly trail possibly be provided.

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.**

- g. RESOLUTION NO. 2133-14: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA OPPOSING MODIFICATION TO FLORIDA STATUTE 316.0083 WHICH REGULATES USE OF RED LIGHT CAMERA ENFORCEMENT; AUTHORIZING THE CITY CLERK TO TRANSMIT THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Brown read the resolution by title.

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

City Manager Knight acknowledged the request to provide additional data/back-up information regarding red light camera usage.

David Leavitt, 1000 Ridge Point Cove, spoke in opposition.

Gary Becker, 3176 Farland Drive, spoke in opposition and provided the Deputy City Clerk with backup documentation to support his stance.

Attorney Brown explained that the citation is a civil matter and provided legal counsel.

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.

- h. RESOLUTION NO. 2134-14: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, ASKING THE STATE LEGISLATURE TO REPEAL FLORIDA STATUTE 386.209 WHICH PREEMPTS REGULATION OF SMOKING TO THE STATE AND TO ALLOW LOCAL GOVERNMENTS TO REGULATE SMOKING IN PARKS; AUTHORIZING THE CITY CLERK TO TRANSMIT THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE

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

City Commission Reports:

- a. Commissioner Leary – No items.
- b. Commissioner Sprinkel

Commissioner Sprinkel announced the SunRail update meeting being held by the Winter Park Chamber of Commerce this Thursday at 8:00 am at the Alford Inn.

- c. Commissioner Cooper

Commissioner Cooper spoke about Ms. Till's earlier comments regarding the regulation of vacation rentals and felt that it would be advantageous to have our City Attorney look into this matter and provide recommendations/feedback. No formal action was taken.

d. Commissioner McMacken

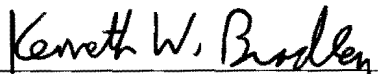
Commissioner McMacken said he was very impressed with the Chamber of Commerce award ceremony this past weekend and that it was a great event.

e. Mayor Bradley

Mayor Bradley announced that our golf course will be 100 years old this year and looks forward to celebrating its Centennial. City Manager Knight acknowledged the request to have staff assist the organization that is handling this event.

Mayor Bradley said Winter Park may or may not be featured on Sunday night and asked for permission to send out an email the day after saying "Doesn't Winter Park look great".

The meeting adjourned at 6:01 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham