

REGULAR MEETING OF THE CITY COMMISSION
October 13, 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 Electric Director Jerry Warren, followed by the Pledge of Allegiance.

Members present:

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

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham

Approval of the agenda

City Manager Knight pulled public hearing items 11-b and 11-f to the next meeting.

Motion made by Commissioner Leary to approve the agenda with the deletion of Public Hearings 11-b and 11-f; seconded by Commissioner McMacken and approved by acclamation with a 5-0 vote.

Mayor's Report

a. Board appointment – Public Art Advisory Board:

Mayor Bradley nominated Susan Battaglia as the alternate member. Linda Cegelis moved up to fill the remaining regular term of Daniel Iouse who resigned (2012-2015). **Seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

Commissioner McMacken spoke about the successful Art Festival this past weekend and complimented City staff for their efforts.

City Manager's Report

1. City Manager Knight spoke about the second public forum scheduled and hosted by the Library Facility Task Force on October 30 from 6:00-8:00 at the Civic Center to discuss the different sites under consideration. It was clarified that a decision has not been made at this time whether or not to building a new library. Commissioner Leary asked that the City Manager provide a recap as to what led to the site selection and what the board has been asked to accomplish to inform any new residents in attendance.

Commissioner Sprinkel addressed the need to make it clear that the Commission is not hosting the public forums and has not made any decisions at this time regarding possible sites or if they are going to build a new library. Mayor Bradley

addressed his preference to determine where funding would come from before a decision is made on a site. After further discussion, City Manager Knight stated that the task force will come back with a package of recommendations to consider at a later time that will include locations to consider, the costs, and how it will be paid for. He concluded that an interim report will be provided at the next Commission meeting.

2. Commissioner Cooper asked that a work session to discuss the Ravadauge amendments be held before the next meeting because of the large amount of information. No consensus was reached to schedule this. It was mentioned that each Commissioner can meet individually with staff.

3. Commissioner Cooper addressed the code requirement for an annual capacity availability report. She asked to receive the Infrastructure Capacity Reporting and Monitoring Report.

4. Commissioner Sprinkel spoke about the public notice ability that we have that goes out to the entire City to describe what people can build by the code today compared to what they are asking to build. She stressed the need to provide more information to the public. City Manager Knight addressed the cost involved to add more information and suggested including a reference in the notice explaining where to find more information on the website. Commissioner Cooper suggested including a matrix in the staff report that explains the current zoning, what the applicant is requesting, and what the land use zoning allows.

City Attorney's Report

Attorney Brown updated the Commission on the MaxMedia/Clear Channel litigation matter.

Non-Action Item

- a. Financial Report – August 2014

Finance Director Wes Hamil provided the August 2014 Financial Report. **Motion made by Commissioner McMacken to accept the financial report as presented, seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

Consent Agenda

- a. Approve the minutes of September 22, 2014.
- b. Approve the changes to the Purchasing Policy.
- c. Approve the following purchases, contracts, and formal solicitation:
 1. Blanket Purchase Order to ENCO Utility Services for electric utility undergrounding; \$185,000.

2. Blanket Purchase Order to Heart Utilities for electric utility undergrounding; \$225,000.
 3. After the fact change order request (increase to blanket purchase order) to Seminole Electric Bulk Power for FY14 August and September invoices for bulk power; \$1,400,000.
 4. Blanket Purchase Order to Brown and Brown Insurance Agency for insurance coverage and agency fee; \$751,153.00.
 5. Blanket Purchase Order to De Young Law Firm for legal services; \$50,000. **PULLED FOR DISCUSSION. SEE BELOW.**
 6. Blanket Purchase Order to GATSO USA, Inc. for red light safety enforcement, RFP-13-2009; \$441,600. **PULLED FOR DISCUSSION. SEE BELOW.**
 7. Blanket Purchase Order to Motorola Solutions for system monitoring and preventative maintenance for Astro P25 radio system; \$51,825.96.
 8. Blanket Purchase Order to Waste Pro of Florida for residential curbside service, RFP-6-2009; \$2,200,000. **PULLED FOR DISCUSSION. SEE BELOW.**
 9. Blanket Purchase Order to Air Liquide Industrial Company for liquid oxygen for water treatment facilities; \$150,000.
 10. Blanket Purchase Order and any subsequent charges to City of Orlando for FY15 sanitary sewer charges for McLeod/Asbury; \$385,000.
 11. Blanket Purchase Order and any subsequent charges to City of Orlando for FY15 sanitary sewer charges for Iron Bridge; \$1,850,000.
 12. Blanket Purchase Order to Stephen's Technology for FY15 trenchless repairs to sanitary sewer mains; \$185,000.
 13. Blanket Purchase Order and any subsequent charges to South Seminole North Orange County Wastewater Transmission Authority (SSNOCWTA) for FY15 operation & maintenance; and depreciation; \$600,000.
 14. Blanket Purchase Order to Layne Inliner for FY15 sewer line rehabilitation cleaning and video recording, \$600,000.
 15. Blanket Purchase Order to Perma-Liner Industries, Inc. for FY15 trenchless repairs to sanitary sewer lateral, \$100,000.
 16. Blanket Purchase Order to Odyssey Manufacturing Company for FY15 12.5% sodium hypochlorite for water & wastewater treatment facilities; \$160,000.
 17. Blanket Purchase Order to Duval Asphalt for E-Z street cold asphalt; \$50,000.
 18. Amendment 4 for Emergency Debris Management Services with Ceres Environmental Services, Inc. (RFP-16-2010); and authorize the Mayor to execute Amendment 4 (no fiscal impact unless emergency declaration is declared).
 19. Award to Central Florida Environmental Corporation (IFB-24-2014) for Lake Forest Stormwater Retention Pond Project; authorize the Mayor to execute the contract and approve subsequent purchase order; (60% from FDEP 319 Grant Agreement GO354; grant funding of \$225,073.56; and City stormwater fee funding of \$150,049.04).
- d. Approve the FY 2015 budget amendment to fund the visioning study.

Motion made by Commissioner McMacken to approve Consent Agenda items a-b, c.1-4, c.7, c.9-19 and d; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Consent Agenda Item C.5 - Blanket Purchase Order to De Young Law Firm for legal services; \$50,000.

Mayor Bradley inquired about the purpose of the De Young Law Firm. It was clarified that they only deal with Police matters.

Motion made by Mayor Bradley to approve Consent Agenda item C.5, seconded by Commissioner McMacken. No public comments were made. Motion carried with a 5-0 vote.

Consent Agenda Item C.6 - Blanket Purchase Order to GATSO USA, Inc. for red light safety enforcement, RFP-13-2009; \$441,600.

Commissioner Cooper asked if a cost benefit analysis can be provided. **Motion made by Commissioner Cooper to approve Consent Agenda item C.6, seconded by Commissioner Sprinkel. No public comments were made. Motion carried with a 5-0 vote.**

Consent Agenda Item C.8 - Blanket Purchase Order to Waste Pro of Florida for residential curbside service, RFP-6-2009; \$2,200,000.

Mayor Bradley inquired about dumpsters at residential homes and roll off services. Assistant City Manager Michelle del Valle explained the ongoing negotiations with their contract; they have in the meantime allowed us to continue waiving residential construction from the roll off requirement. Further discussion ensued regarding roll off services and potentially charging all residential roll off providers a franchise fee.

Motion made by Mayor Bradley to approve Consent Agenda item C.8, seconded by Commissioner Leary. No public comments were made. Motion carried with a 5-0 vote.

Action Items Requiring Discussion

There were no action items.

Public Hearings:

- a. ORDINANCE NO. 2978-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 716 KIWI CIRCLE, WINTER PARK, FLORIDA, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

Motion made by Mayor Bradley 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.**

b. Request of UP Fieldgate US Investments – Winter Park LLC: Final conditional use approval to redevelop the former Corporate Square and Winter Park Dodge properties with a 40,000 square foot Whole Foods Grocery and a 36,000 square foot retail building with three outparcel development sites on the properties at 1000/1050 N. Orlando Avenue, 1160 Galloway Drive and 967 Cherokee Avenue

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE PORTIONS OF GALLOWAY DRIVE AND FRIENDS AVENUE WITHIN THE PROPOSED WHOLE FOODS DEVELOPMENT PROJECT, MORE PARTICULARLY DESCRIBED HEREIN.
Second Reading

This item was pulled off the agenda to be considered at the October 27, 2014 meeting.

c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE 2953-14 AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$16,000,000 ELECTRIC REVENUE BONDS OF THE CITY TO FINANCE ITS OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A TENDERED FOR PURCHASE BY THE HOLDERS THEREOF AND PAY THE COSTS OF ISSUANCE THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY ON PARITY WITH THE CITY'S OUTSTANDING ELECTRIC REVENUE BONDS; PROVIDING FOR THE SALE OF SUCH BONDS PURSUANT TO A PRIVATE NEGOTIATED SALE; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. City Manager Knight explained what has transpired since the refunding a few months ago.

Motion made by Mayor Bradley 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 unanimously with a 5-0 vote.**

d. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-68; 58-69; 58-72; 58-75; 58-76 AND 58-79 AS WELL AS WITHIN ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS", SECTION 58-214 SO AS TO REMOVE THE REQUIREMENT FOR SUPERMAJORITY VOTES FOR THE APPROVAL OF CERTAIN CONDITIONAL USES, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Planning Manager Jeff Briggs explained the ordinance adopted in July to remove from the comprehensive plan policies that required four votes (supermajority) for approval of certain kinds of conditional uses and the rules that still reside in the zoning code. He stated to fully implement it you need to also amend the zoning code to be consistent with the comprehensive plan to take out the cases that require the supermajority of four votes for conditional uses. He clarified that is what the ordinance this evening does.

Attorney Brown clarified that requiring a supermajority vote on a conditional use does not violate our Charter. Commissioner Cooper stated that she will not be voting to remove the supermajority requirement for conditional uses since this ordinance does not conflict with the Charter and there may be times we may want to have four votes. Further discussion ensued regarding the need to be consistent across the board. Mayor Bradley preferred to take action on this ordinance now and to look at another ordinance later to change the conditional use process. Attorney Brown suggested working with staff to bring back one single ordinance for first reading that does what is in the proposed ordinance tonight and also amends other sections that would change the conditional use process. Commissioner Sprinkel spoke in favor of the ordinance this evening.

Motion made by Mayor Bradley to table this ordinance until the second Commission meeting in November; seconded by Commissioner Leary. No public comments were made. Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. Mayor Bradley voted no. The motion carried with a 4-1 vote.

- e. AN ORDINANCE AFFECTING THE USE OF LAND IN THE CITY OF WINTER PARK, FLORIDA RELATING TO MEDICAL MARIJUANA TREATMENT CENTERS, WHETHER FOR MEDICAL OR RECREATIONAL USE; ESTABLISHING REGULATIONS FOR MEDICAL MARIJUANA TREATMENT CENTERS TO BE CODIFIED AS ARTICLE III, OF CHAPTER 54, HEALTH AND SANITATION, OF THE CITY CODE; AMENDING SECTION 58-78, LIMITED INDUSTRIAL AND WAREHOUSE (I-1) DISTRICT, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING TO ALLOW "MEDICAL MARIJUANA TREATMENT CENTERS" AS A PERMITTED USE BY SETTING FORTH SITING STANDARDS AND REQUIREMENTS FOR MEDICAL MARIJUANA TREATMENT CENTERS; AMENDING SECTION 58-86, OFF-STREET PARKING AND LOADING REQUIREMENTS, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING; AMENDING SECTION 58-95, DEFINITIONS, OF CHAPTER 58, LAND DEVELOPMENT CODE, ARTICLE III, ZONING; AMENDING SECTION 94-43, SCHEDULE, OF CHAPTER 94, TAXATION, ARTICLE II, BUSINESS TAX; PROVIDING FOR CONFLICTS; CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner McMacken for discussion.

Planning Manager Jeff Briggs explained the ordinance is a comprehensive regulation on the location and operating characteristics for future medical marijuana treatment centers in terms of location to be limited to the Industrial (I-1) areas with some separations. He explained that we do not know if the constitutional amendment is going to pass or implemented by the Legislature but staff felt we should be proactive and have the regulations on the books if the amendment does pass.

Commissioner Cooper inquired about moratoriums put on this by other entities. She spoke about the industrial property that is near residential. Mr. Briggs spoke about one area on Solana Avenue that he believed would be a permitted area. Attorney Brown spoke about amendments to the language for the second reading regarding a siting requirement that a center cannot be located within 1,000 feet of any school, daycare, park, playground or religious institution or within 100 feet of any residentially zoned property. Police Chief Railey addressed possible problems with a moratorium and that our ordinance needs to be in effect as soon as possible. City Manager Knight understood that changes may have to be made later to the ordinance but confirmed that this protects us until the regulations are in place. Commissioner McMacken asked that a map be provided for second reading showing the locations that these could be allowed to operate.

William Berger, 1104-1128 Solana Avenue, opposed the ordinance because of a possible location being in close proximity to their business.

Matt Sullivan, representing the Berger's on their property, asked if there is a way to further refine the possible locations.

Further discussion took place regarding the mandate to have available zoning sites in the City and the specific provisions that would be put into place if this moves forward. Upon questioning, Attorney Brown stated the second reading would include language that Orange County's code does apply unless the City ordinance expressly deals with the subject and is different than the Orange County code (the City's provision takes precedence). Further discussion ensued regarding the Industrial zoning sites currently in the City.

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.

Mayor Bradley inquired if we could look into making our parks marijuana smoke-free. Attorney Brown responded that we can prohibit any public consumption anywhere to include marijuana products. There was a consensus for Attorney Brown to draft an ordinance to come back to the Commission for consideration to prohibit the smoking of marijuana in City parks.

Public Comments (items not on the agenda)

No public comments were made.

- f. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, APPROVING AN AMENDED AND RESTATED DEVELOPMENT ORDER FOR THE RAVAUDAGE DEVELOPMENT; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

This item was removed from the agenda.

City Commission Reports:

a. Commissioner Leary

Commissioner Leary asked if we need to address anything coming from the hard rains we had in the last two weeks. City Manager Knight spoke about this being more water than our system could handle and there is nothing we need to address or to create funds for. He stated the cost to be able to handle that type of rain event is far more than the benefit.

b. Commissioner Sprinkel

1. Commissioner Sprinkel asked if we are going to extend the Christmas lights into the side streets. Commissioner Leary suggested including the Hannibal Square area. City Manager Knight stated the Hannibal Square trees are not large enough to handle the globe lights but plan to put other lighting there. Public Works Director Troy Attaway said they will expand the globes into Central Park and Shady Park to provide that presence into the Hannibal Square area. Commissioner Leary asked that the red and green globes on Park Avenue be placed away from the traffic signals. Mr. Attaway acknowledged. City Manager Knight addressed the lack of electricity on side streets to accommodate Christmas lights but will review it.

2. Commissioner Sprinkel commended the great job our Police Department does but asked to provide additional crime information to the public so they understand what has been done. Police Chief Railey addressed the overall lack of crime and the press releases that they will continue to do.

c. Commissioner Cooper

Commissioner Cooper spoke about being proud of our Police Department and that it is the safest place to live but that we need to provide more communication as to what is being done to keep the City safe. She announced the First Congregational Church with the Winter Park History Museum is holding Patrick Smith's "A Land Remembered" on October 18 at 7:00 p.m.; announced that the New Warner Chapel Baptist Church will be celebrating the life of Reverend Mitchell Dawkins who passed

away a year ago; announced she will be speaking at the Westminster Clergy Appreciation; and that she appreciated receiving the concurrency report.

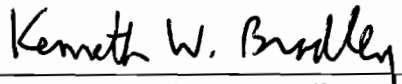
d. Commissioner McMacken

Commissioner McMacken asked Public Works Director Attaway about the trash compactors on Central Avenue and if that is still moving forward. Mr. Attaway stated they are working out the billing portion and they will be installed as soon as this is finalized. He provided a general timeframe of two weeks. He spoke about the Peacock project in Central Park that has raised \$42,000 and announced the upcoming Homecoming Parade.

e. Mayor Bradley

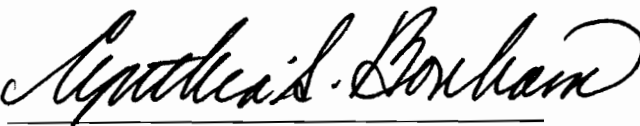
No report.

The meeting adjourned at 5:16 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham, MMC