

REGULAR MEETING OF THE CITY COMMISSION
March 13, 2017

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by City Manager Randy Knight, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also present:

City Manager Randy Knight
City Clerk Cynthia Bonham
City Attorney Kurt Ardaman

Approval of the agenda

Mayor Leary adjusted the agenda as follows: Moved item 10 (Library/events center discussion) after the City Attorney's Report; moved item 7 (SunRail statistics) prior to convening as the CRA; and to continue item 11-d (ordinance) to another meeting (was not heard this evening).

Motion made by Commissioner Sprinkel to approve the agenda as adjusted; seconded by Commissioner Weldon and carried with a 5-0 vote.

Mayor's Report

- a. Recognition – 2016 Plant Operations Excellence Award from Department of Environmental Protection

Water/Wastewater Director Dave Zusi recognized Toan Tran and Dewla.t Deneshwar for their great work at the Swoope Water Plant and the award received.

Not on the agenda – introductions

Betsy Gardner Eckbert, Chamber of Commerce President, introduced high school students Jonah Gottschalk and Griffin Leckie. They are spending their junior work experience at the Winter Park Chamber of Commerce and working in collaboration with City staff (the CRA office) to help collate and gather data for an economic scorecard on behalf of the Chamber.

- b. Board appointments – Golf Course Advisory Board

Mayor Leary nominated the following: Jeff Shafer (2017-2018); Marc Reicher (2017-2018); Dave Cocchiarella (2017-2019); Mark Isreal (2017-2019); Matt Ginella (2017-2020); Matt Hegarty (2017-2020); Gary Diehl (2017-2020); and Aaron Bearden (Alternate)

Motion made by Mayor Leary to appoint the members as stated, seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Regarding the Historic Preservation Board (HPB) and the future appointment of member Phil Kean being appointed to the Board of Adjustments (BOA), Commissioner Cooper asked if there are other architects on the board. She asked that staff provide recommendations of an architect for the HPB when Mr. Kean moves to the BOA.

c. Discussion of Fiber

Mayor Leary addressed this issue and wanted to move forward with forming a Fiber Optic Task Force to review the possibility of fiber optics for the City and to present a recommendation as to whether or not to proceed with taking the next steps and determining the hard costs. He asked that Tom McMacken, Bill Segal, Dave Johnston, Steve Mauldin and John Caron be appointed to serve on this task force.

Commissioner Weldon suggested that the task force focus on alternative approaches for the City to address broadband instead of only fiber optic. Mayor Leary commented that staff would also be involved (IT, Utilities Advisory Board liaisons and other staff members as necessary) and that the task force would sunset in six months.

Motion made by Mayor Leary that the function of the task force will be to determine if an investment towards this type of initiative to include a wireless or any other broadband alternative will be a benefit to current potential residents and businesses and that the members as recommended be appointed; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Other business

Mayor Leary announced that he and the City Manager will be travelling to Tallahassee next week to meet with our legislators to discuss items of major importance that affects the City. This will be summarized at the March 27 meeting.

City Manager's Report

a. Employee Recognition – 20, 25, 30 and 35 years of service

City Manager Knight recognized several employees for their years of service.

Other business

City Manager Knight addressed working with our attorney to set up a Foundation to benefit the City because of residents wanting to contribute money towards specific

projects. Attorney Ardaman addressed speaking with others who have set up Foundations and will solicit their help if necessary. He believed the IRS providing the City's certification will take the longest time and hoped to have more information at the next meeting.

City Attorney's Report

Attorney Ardaman stated they do not have an answer as of this afternoon from the panel of judges regarding the library/events center outstanding issue.

Attorney Ardaman addressed the drone ordinance that he provided. He spoke about a bill that would pre-empt local government regulation drones. Upon discussion, first reading of an ordinance will be provided for the next agenda to move forward with adopting an ordinance.

Action Items Requiring Discussion

a. New Library and Events Center decision items

This item was moved up on the agenda. City Manager Knight stated the project is at least a year behind because of the litigation and other issues. He covered the schedule of the demolition of the Civic Center (last scheduled booking is April 24) and that it will be at least a year before they have a design and construction documents. There was a consensus to extend this date through January 31, 2018 and that there will be no construction done before that time. Mr. Knight suggested having a grand closing event for the community to celebrate the many great events that took place in, and memories created at the Civic Center that will be dealt with as they get closer to the closing.

Mr. Knight spoke about receiving interest from the community for a local sale of the bonds so they can buy library bonds in support of the community. He stated the City usually do their bonds on a competitive sell so they can pick the best interest rate and what is financially best for the City. He addressed an option for a negotiated sale where they pick the underwriter and then work with them to create a period where locals can buy the bonds first before they go to their regular customers. He stated his preference is to stay with the competitive sale but if there is enough community interest and the Commission wants to do a negotiated sale they can do that. Discussion ensued regarding a competitive sale versus negotiated sale. This issue will be further investigated.

Mr. Knight addressed Aci's final report estimate of \$32,500,000 for the library, events center and parking garage. The voters approved bonds at an amount not to exceed \$30,000,000 and the Library was challenged with raising \$2,500,000. During the annual budget adoption the Commission set the total project amount at \$30,000,000. He spoke about the one year delay and construction prices rising since the original estimates, the City has incurred significant legal fees that were not anticipated in the original project estimates, and there have been consultant

fees already incurred. He addressed the parking garage and whether it needs to be larger to accommodate the shortfall of parking for the playing fields we have today. He concluded that the Commission needs to determine the maximum cost moving forward.

Jim Russell, Pizzuti Companies, Executive Vice President, spoke about reviewing the original Aci budget and are currently looking at two additional costs that the Commission needs to be concerned about: the escalation in construction costs, and the additional cost related to the litigation that takes away some of the City's buying power if it is to be reimbursed out of the same bond package. He stated they need to know the maximum dollar number they have to manage understanding that through the entire process this does not stop them or minimize their efforts to do value engineering to tweak the program. Mr. Russell answered Commission questions.

After further discussion, City Manager Knight stated he would like the Commission to approve the project moving forward with the architect at the total project cost of \$32,500,000. He clarified that currently their approval is \$30,000,000, including the \$2,500,000 the library is supposed to raise. Mr. Russell stated their recommendation is to get the face value of the \$30,000,000 available for the library development plus the additional library portion of \$2,500,000.

Upon discussion, there was a consensus for a maximum amount of \$30,000,000 (\$27,500,000 plus \$2,500,000) including the library's contribution and any other contributions received. City Manager Knight will bring back an updated timeline as relates to financing and perspective numbers from the bond market. He stated they have not had the architect begin because of waiting for the final word on the last pending litigation.

Non-Action Item:

a. SunRail statistics

Public Works Director Troy Attaway provided current ridership numbers. He spoke about the \$350,000 cap per year the City has in place. Mayor Leary asked if they can determine the ridership of origination versus destination. Ms. Gardner from SunRail stated it is about 50/50. Mr. Attaway stated the numbers here are higher on Fridays than other weekdays and if there is Saturday ridership that doubles from the week. Mayor Leary expressed his preference to determine how many people originate from Winter Park to go to other stations. Mr. Attaway will see if SunRail can provide that data and where they are originating from as well.

Commissioner Weldon expressed the importance that SunRail has statistics of where ridership starts and ends, relating the advertising of Saturday service to the frequency of use, and that there are a lot of management issues that SunRail needs to address if they are going to provide the kind of regional service that is going to get more people to use it. He stated that hopefully someone from SunRail

management will be willing to meet with the Commission as to what Winter Park expects as a City.

Commissioner Cooper addressed prior discussions for providing a shuttle for the last mile to help get residents to SunRail and asked where that is. She asked about Altamonte Springs having a deal with Uber and if that made a difference in the number of people using SunRail. Mayor Leary stated he understood that did not make much of an impact.

The Commission meeting adjourned at this time at 4:46 to conduct a CRA Agency meeting. The meeting continued at 5:04 p.m.

Public Comments (not on the agenda)

There were not public comments made.

Consent Agenda

- a. Approve the minutes of February 27, 2017.
- b. Approve the following contracts:
 1. Associated Consulting, Inc. (RFQ-3-2017), Consulting Contract for Professional Architectural Services; and authorize the Mayor to execute contract.
 2. Le-Huu Partners (RFQ-3-2017), Consulting Contract for Professional Architectural Services and authorize the Mayor to execute contract.
 3. Zyscovich Architects, (RFQ-3-2017), Consulting Contract for Professional Architectural Services and authorize the Mayor to execute contract.
 4. CPH, Inc. (RFQ-5-2017), Continuing Contract for Professional General Civil Engineering Services; and authorize the Mayor to execute contract.
 5. Comprehensive Engineering Services, Inc. (RFQ-6-2017), Continuing Contract for Professional Transportation Planning & Engineering Services and authorize Mayor to execute contract.
 6. Piggyback Contract (GS-35F-0119P) with Verizon Wireless for Cellular Services; and authorize the Mayor to execute contract and purchase order.

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote. No public comments were made.

Public Hearings:

- a. Request of Rollins College:

ORDINANCE NO. 3069-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING REGULATIONS" SECTION 58-76 "COMMERCIAL (C-3) DISTRICT" SO AS TO ADD A NEW CONDITIONAL USE FOR "FACILITY OPERATIONS AND SKILLED TRADE SHOPS SERVING A COLLEGE OR UNIVERSITY "; PROVIDING

FOR CODIFICATION, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE
Second Reading

ORDINANCE NO. 3070-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL TO COMMERCIAL ON 875 SQUARE FEET OF THE NORTHWEST CORNER OF 483 HOLT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE Second Reading

ORDINANCE NO. 3071-17: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE LOW DENSITY RESIDENTIAL (R-2) ZONING TO COMMERCIAL (C-3) DISTRICT ZONING ON 875 SQUARE FEET ON THE NORTHWEST CORNER OF 483 HOLT AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read all ordinances by title. This was a simultaneous public hearing.

Planning Director Dori Stone addressed the approval at the last meeting of the conditional use application for the building and that the revised development agreement has been provided to the Commission. Ms. Stone stated the applicant has agreed with the modified development agreement as provided to them.

Motion made by Commissioner Sprinkel to adopt the first ordinance (adding new conditional use); seconded by Commissioner Weldon.

Motion made by Commissioner Sprinkel to adopt the comprehensive plan ordinance; seconded by Commissioner Weldon.

Motion made by Commissioner Sprinkel to adopt the zoning ordinance; seconded by Commissioner Weldon.

Commissioner Cooper expressed her opposition to this but stated she appreciates Rollins working with the neighbors to minimize the negative impacts of the development but that she did not believe this use and size was compatible with the adjacent historic College Quarter single family homes. She also did not believe it is good policy for the City to make code changes that apply to all colleges and universities and to all properties zoned C-3, specifically to enable Rollin's facility operations to be moved off campus.

Motion made by Commissioner Sprinkel to approve the development agreement as presented; seconded by Commissioner Weldon.

No applicant or public comments were made.

Upon a roll call vote on the first ordinance (adding new conditional use), Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the second ordinance (comprehensive plan), Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the third ordinance (zoning), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the development agreement, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

- b. Reconsideration of subdivision or lot split request to divide the property at 1800 Edwin Boulevard into two single family lots

This request was not approved by the City Commission on January 9, 2017 due to a 2-2 tie vote. Based upon a petition provided, the Commission agreed on February 13, 2017 to rehear this request. The zoning is R-1A and is currently occupied by one single family home which the applicant plans to demolish.

Planning Director Dori Stone presented the staff report. She stated the request is that each lot is 62.5 feet wide and 9,375 square feet in size and that the Planning and Zoning Board agreed with the two smaller lots with homes instead of one large lot with a home of 7,000-8,000 square feet. She addressed the petition received and a lady that came in today stating that she had not signed the petition but that her name was signed on the petition.

Commissioner Cooper addressed why she would not support the request: it failed the zoning test (requires lot widths of 75' and the proposed lots are 62.5'), failed the comprehensive plan test (of the 78 homes considered, the average/median lot width was 72', and the existing lot is limited to 33% FAR and once the lots are split allows 38% on each lot where the average FAR of the 78 lots is 25%; and creates more impervious space.

Commissioner Sprinkel explained she brought this back for reconsideration because after further review the people who purchased the very large lots are in agreement with this, believed this to be a better use long term, and can easily accommodate two houses on this property.

Mark Squires, Winter Park Land Company, 122 S. Park Avenue, representing the heirs who grew up on this property addressed the house across the street built by the applicant that is emblematic of what is happening in the neighborhood. He stated the proposal fits in perfectly with the street and asked for support.

Motion made by Commissioner Sprinkel to approve the request and with the condition of P&Z that the final architectural elevations of the two proposed homes be of significantly different architectural styles and front facades from each other, seconded by Commissioner Weldon.

Kevin Kline, 1740 Edwin Boulevard, opposed the request because of more traffic on the street because of additional homes, and the need to retain the larger lot.

Applicant Randall Lazarus requested the subdivision or lot split approval and addressed the uniqueness of the street because of the various lot sizes and that the homes will complement the street. Commissioner Cooper asked that they stay within the FAR that the lot currently has. Mr. Lazarus explained the economics of building new homes and costs incurred.

Upon a roll call vote, Mayor Leary and Commissioners Sprinkel and Weldon voted yes. Commissioner Cooper voted no. Commissioner Seidel abstained from voting because of a conflict. Form 8B, Memorandum of Voting Conflict is attached to these minutes. The motion carried with a 3-1 vote.

- c. ORDINANCE NO. 3072-17: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF THE CITY OWNED PROPERTY LOCATED AT 2600 LEE ROAD PURSUANT TO THE PROPOSAL ATTACHED HERETO AS EXHIBIT "B"; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Weldon to adopt the ordinance; seconded by Commissioner Cooper. No public comments were made. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports:

a. Commissioner Seidel – Reported attending the track meet at the high school where the sound was improved and that the track looked great.

b. Commissioner Sprinkel – Reported will be a great week in Winter Park with the Art Festival and other events.

c. Commissioner Cooper – Asked that the issue of compatibility be explored more. Reminded everyone about the Tri County League of Cities luncheon this week.

d. Commissioner Weldon – Spoke about the ordinance regarding feral cats in Mead Garden and the agreement that we would revisit that in March. Because of the lengthy agenda on March 27, this will be on the April agenda.

e. Mayor Leary - Stated there is a lot going on and wished Commissioner Seidel good luck tomorrow.


He reminded the Commission about the very large agenda on March 27. He asked everyone to keep things moving, be respectful of everyone's time, and to keep their commentary minimal.

The meeting adjourned at 5:43 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC

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

LAST NAME—FIRST NAME—MIDDLE NAME SEIDEL GREGORY STEPHEN		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE WINTER PARK	
MAILING ADDRESS 1250 RICHMOND ROAD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY WINTER PARK	COUNTY ORANGE COUNTY	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 3/13/17		NAME OF POLITICAL SUBDIVISION: WINTER PARK	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTEE	

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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

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, GREGORY S. SEIDEL, hereby disclose that on MARCH 13, 20 17:

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

- ☒ 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 subsidiary, or sibling 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:

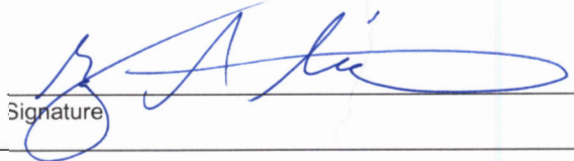
11 b - LOT SPLIT

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

3/13/17

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.