

**REGULAR MEETING OF THE CITY COMMISSION
NOVEMBER 12, 2018**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Building Director George Wiggins, 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 Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Approval of agenda

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

Mayor's Report

- a. Appointment of Bronce Stephenson to replace Jeff Briggs on the Winter Park Improvement Fund Board of Directors

Motion made by Mayor Leary to approve the appointment; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

- b. Presentation – Winter Park Babe Ruth

Brian Crews, Vice President of Strategy and Fundraising for Winter Park Babe Ruth was present to celebrate the baseball and softball All-Star wins and both state and district championships. Several teams were present and congratulated for their great season as well as being recognized for their six championships.

City Manager's Report

City Manager Knight replied to questions of the Commission regarding political signage that will be put on a future agenda. Commissioner Cooper asked about hurricane lessons learned and the hardening where the key actions were going to be discussed. City Manager Knight commented they sent this to the Commission.

City Attorney's Report

Attorney Ardaman updated the Commission on the buoy/markers issue where a draft plan will go before the Lakes and Waterways Board tomorrow. The plan will include informational markers for their approval in preparation of their recommendation of approval to the City Commission. He stated a conversation with the FWC will be this Friday where they want to take the L&W Board recommendation with them at that meeting. He hoped to bring the plan back at the next meeting for approval.

Commissioner Seidel questioned if there is a reason why they cannot exempt publicly owned local lakes from their law because this is within Winter Park and Tallahassee is telling the City how to deal with our lakes. Attorney Ardaman stated they can review the act. After comments, there was a consensus to investigate this after the buoy issue is resolved first.

Non-Action Items

No items.

Consent Agenda

- a. Approve the October 22, 2018 Commission minutes. **PULLED BY COMMISSIONER COOPER FOR DISCUSSION.**
- b. Approve the following purchases:
 1. Duval Ford, LLC - Purchase of eight 2019 Ford Interceptor sedans for the Police Department; \$215,290
 2. Duval Ford, LLC - Purchase of one 2019 Ford F150 for Water Treatment, three 2019 Ford F150's for the Police Department, and one 2019 Ford F550 for Wastewater Collection; \$224,921
 3. Environmental Products of Florida - Purchase of a 2019 Vactor HXX Hydro Excavator for W/WW Construction Services; \$420,950
 4. Altec Industries, Inc. - Purchase of a DB37 Hydraulic Derrick for the Electric Utility; \$143,687
- c. Approve the following contract:
 1. Florida Municipal Power Agency - ITN-12-2018 - Purchase of Wholesale Electric Power. **PULLED BY COMMISSIONER WELDON FOR DISCUSSION.**
- d. Approve closing City Hall on December 24, 2018 (Christmas Eve) and cancel the City Commission meeting.

Motion made by Commissioner Sprinkel to approve Consent Agenda items b and d; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote. There were no public comments made.

Consent Agenda Item 'a' – Minutes:

Commissioner Cooper asked that the discussion regarding the parks master plan on page 4 where they also added connectivity of greenspaces be made part of the minutes. After discussion, it was agreed to discuss this at a work session and that the minutes do not need to be modified.

Motion made by Commissioner Cooper to approve the minutes (as presented); seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. There were no public comments made.

Consent Agenda item 'c':

Commissioner Weldon addressed reviewing the FMPA contract with the City Manager and the Electric Department and wanted to comment that the implications of the contract if approved will have meaningful changes that will impact the 2019-2020 budget. He asked that the City Manager present to them what this will look like assuming a constant demand and pricing. He stated this will bring both the Utilities Advisory Board and the Commission flexibility going forward after the end of this fiscal year. City Manager Knight will present this to the Commission at a later time.

Motion made by Commissioner Weldon to approve Consent Agenda item 'c'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. There were no public comments made.

Action Items Requiring Discussion

a. Set State Legislative priorities

City Manager Knight presented the priorities that staff and the state lobbyist discussed as follows: To support funding of public library construction grant program (project is ranked #16 so need at least 8M to cover through project 16); Broadband/fiber optics pilot project; Acquire excess CSX ROW from State including that within Central Park; Assist with widening of SR 426 between 17-92 and Pennsylvania Avenue; Acquisition of the post office property for expansion of Central Park; Expansion of sewer infrastructure to eliminate septic tanks; Expansion of reuse water system; Mead Garden natural habitat restoration; and Green energy generation (Solar, etc.). He asked before sending the list to state that the Commission approve the list and make any modifications they want to make.

Commissioner Cooper asked that the discussion take place regarding monies for hurricane hardening. This will be addressed at a later time. City Manager also commented that a Federal priority list will be produced. Commissioner Seidel asked if they wanted to add the buoy issue to the list. It was decided to ask the Lakes Board what they believe the City should take on as a responsibly as a City (local control) and that this can always be added to the list moving forward.

Motion made by Commissioner Cooper to approve the list; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote. There were no public comments made.

- b. Approve completion of final design of rooftop venue and provide direction on expansion of southern parking lot

City Manager Knight addressed prior approval to include designing the infrastructure to support a rooftop venue but not to approve designing the entire facility. They are at the point where it will be difficult to build this as part of the original project if they do not get the rooftop designed. He commented that he feels strongly that they are moving in the right direction regarding funding and that the money will be there for the rooftop but is not a guarantee.

Motion made by Commissioner Cooper to deny; seconded by Commissioner Seidel for discussion.

Motion made by Commissioner Sprinkel to approve; seconded by Mayor Leary.

Commissioner Cooper expressed concerns with the lack of budget information provided to them at this time and did not think this was part of the bond referendum. She agreed it would be nice to have this but that there are things that were part of the referendum that they are not able to deliver at this point because of budget and that there are still questions relative to the borings, environmental assessment, chemical plume, etc. She commented that until there is a budget presented that shows line items set aside and how they will have the funds to do the other things she was not comfortable adding another \$300,000 for something with no budget supporting it.

Mayor Leary clarified that the referendum did not get into the specifics with what was approved. He stated that the plume has been addressed and is not a threat or issue and the boring has been addressed and is not an issue. She stated she still has questions regarding the additional borings, the results of environmental assessment and the budget. Mayor Leary expressed concerns with articles in the paper saying they are over budget when they are within the budget.

Commissioner Weldon commented about receiving information regarding the design element for providing the infrastructure to eventually build a rooftop venue and the estimate of hard costs. He suggested using the funds to add quality to the library and events center whether it is for the external façade or higher end finishes inside the building. He wanted to discuss at a CRA meeting the possibility of using CRA

funds and finance the economic development potential of this project without risk to the City.

After further comments, **Commissioner Seidel withdrew his second (because he stated he did not hear anything that made him feel we should not be doing the rooftop venue design).** He stated that he wants to see the concrete estimate come in and then begin the discussions. He stated he has always been in favor of moving forward with the design.

No public comments were made.

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

c. Contract for sale of 2600 Lee Road property

City Manager Knight spoke about the contract and that the potential buyer wants to build a medical facility at that location and that they have not represented to the City that they will need variances.

Attorney Ardaman explained the contract in the packet is not signed by the buyer because they are out of town, an ordinance is necessary to sell the property and there is a lease (billboard) where the lessee has an option to buy. He suggested to change the closing date from November 28 to the second week of December and make sure the closing is contingent upon the Commission's adoption of the second reading of the ordinance to sell the property.

Discussion ensued regarding the billboard lease. Planning Manager Jeff Briggs explained the billboard is not on City property but is on the adjacent Florida Hospital property. He stated they have been working with Florida Hospital to remove the billboard and because the lease is out there we need to ask Clear Channel to waive their right to purchase the property.

Bobby Palta, CBRE, stated they have discussed the billboard and that the buyer would rather it not be there. City Manager Knight explained the billboard was with the previous owner and is now with the City but is in error because it is not totally on our property. Mr. Briggs clarified there is a lease on our City property because they believed the billboard was on City property and the City has to ask Clear Channel if they want to exercise the lease to purchase (the City is certain they will not exercise that option because it is on the adjacent property).

Motion made by Commissioner Cooper to table this until November 26, seconded by Mayor Leary and carried unanimously with a 5-0 vote.

The entire Commission was in agreement with the purchase price. Mayor Leary asked that staff and the attorney discuss this so at the next Commission meeting they are on the same page.

Public Hearings:

- a. ORDINANCE NO. 3125-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE ADOPTED BUDGET AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2017 – 2018 BY PROVIDING FOR CHANGES IDENTIFIED IN EXHIBIT A; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE Second Reading

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

- b. ORDINANCE NO. 3126-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING REGULATIONS" SUBSECTION 58-86 "OFF-STREET PARKING AND LOADING REGULATIONS" SO AS TO MODIFY THE RETAIL, OFFICE AND RESTAURANT PARKING REGULATIONS WITHIN THE CENTRAL BUSINESS DISTRICT, THE NEW AVENUE PORTION OF THE HANNIBAL SQUARE NEIGHBORHOOD COMMERCIAL DISTRICT AND THE ORANGE AVENUE CORRIDOR; PROVIDING FOR OFF-SITE PARKING OPTIONS; FEE-IN-LIEU OPTIONS AND PROVIDING FOR A SHARED USE METHODOLOGY, PROVIDING FOR VESTING, CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

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

Motion amended by Commissioner Cooper to go from 350' to 500' (go with a more gradual increase instead to 750'); seconded by Commissioner Seidel for discussion. After further discussion, Commissioner Seidel withdrew his second.

Commissioner Cooper spoke about concerns with people saying that is too far for them to walk and going to 750' is excessive growth in entitlements and believed it to make more sense to do this in a more gradual fashion.

Motion amended by Commissioner Cooper to exclude any properties designated within the Park Avenue Corridor as two story properties (keep current distance of 350'); seconded by Commissioner Seidel for discussion. Upon a roll call vote, Commissioners Seidel and Cooper voted yes. Mayor Leary and Commissioners Sprinkel and Weldon voted no. The motion failed with a 3-2 vote.

Discussion ensued regarding handicap parking spaces and the mandated location of these as related to businesses, new business parking regulations, and ADA rules. Planning Manager Briggs answered questions and reported that the fee-in-lieu portion was removed from the ordinance.

Betsy Eckbert, Chamber of Commerce, spoke in favor of the ordinance as presented.

Michael Perelman, 1010 Greentree Drive, opposed the 750' consideration because he believed it to be too far. He asked how valet parking fits into the calculations. Mr. Briggs explained valet is for the convenience of the customers and does not change the parking count required for the business and does mean they can have parking farther than that because of having valet parking.

Todd Weaver, 1051 Lake Bell Drive, spoke about the ADA standard for maximum distance for handicap parking of 200'. Mr. Briggs explained the 200' and when that is met as a requirement.

Upon a roll call vote on the main motion to adopt the ordinance as presented, Mayor Leary and Commissioners Seidel, Sprinkel and Weldon voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- c. Request for an extension of conditional use approval at 503 North Interlachen Avenue

Planning Manager Jeff Briggs explained the first approval was at the last meeting and because it involves a three-story building within the Central Business District, two public hearings are required.

No public comments were made.

Motion made by Commissioner Sprinkel to approve the request, seconded by Commissioner Weldon. 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.

d. Request of Benjamin Partners:

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE LOW DENSITY RESIDENTIAL FUTURE LAND USE DESIGNATION TO AN ORANGE COUNTY PLANNED DEVELOPMENT FUTURE LAND USE DESIGNATION ON THE PROPERTY LOCATED AT 1308 LOREN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE First Reading

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) DISTRICT ZONING TO ORANGE COUNTY PLANNED DEVELOPMENT (PD) DISTRICT ZONING ON THE PROPERTY LOCATED AT 1308 LOREN AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE First Reading

Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained the developer of Ravaudage has been able to add one of the out parcels within the development to the project that still carries the Orange County zoning of R-2. He stated they want to add this property to Ravaudage so there is the need to change the future land use and zoning to Orange County PD because the City no longer has a PD. He stated it is not granting any entitlements for any more square feet or residential units because that has to be done through an amendment to the resolution to the development order. He explained they are not doing that but are adding it as a piece of property because of the prior discussion about the office building that is to be built on the northern portion of the site but that this property is in the middle of this project so this property needs to be incorporated if the office building is to be built.

Mr. Briggs addressed questions of the Commission. Commissioner Weldon noted that he spoke to the applicant about this.

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

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

Dan Bellows, representing Benjamin Partners, addressed his understanding that the P&Z Board voted to approve two additional units. He stated he believes he has additional entitlements that he is not addressing this evening. Mr. Briggs explained that at the P&Z Board meeting they pointed out that there would be no difference between the two units allowed on R-2 and the two units that this land area would grant them. He stated there are no entitlements from any additional property until the Commission votes to amend the development order and change the table. Mr.

Bellows disagreed and rebutted Mr. Briggs comments. Mr. Briggs explained that the other approvals had a two part sequence (first comp plan and zoning and then amended the resolution (development order) to add entitlements which will be done separately after the comprehensive plan and zoning are adopted.

There were no other public comments made.

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

- e. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF ITS NOT TO EXCEED \$26,000,000 ELECTRIC REFUNDING REVENUE BONDS, SERIES 2019 IN ORDER TO REFUND ALL OR A PORTION OF THE CITY'S OUTSTANDING ELECTRIC REFUNDING REVENUE BONDS, SERIES 2009A AND SERIES 2009B; PROVIDING AUTHORIZATION FOR THIS ORDINANCE; PROVIDING FINDINGS; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY AND, IF DETERMINED TO BE IN THE BEST INTERESTS OF THE CITY, A COVENANT TO BUDGET AND APPROPRIATE NON-AD VALOREM REVENUES; AUTHORIZING THE REDEMPTION OF THE CITY'S OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A WITH NET REVENUES OF THE ELECTRIC SYSTEM OF THE CITY SET ASIDE FOR CAPITAL PURPOSES; PROVIDING A DECLARATION OF INTENT TO REPLENISH SUCH REVENUES FROM PROCEEDS OF THE SERIES 2009 BONDS HELD IN THE SERIES 2009 BONDS RESERVE SUBACCOUNT FOR THE SERIES 2009 BONDS TO BE RELEASED ONCE THE SERIES 2009 BONDS ARE DEFEASED AND/OR REDEEMED WITH THE PROCEEDS OF THE SERIES 2019 BONDS; AUTHORIZING THE EXECUTION OF A FORWARD PURCHASE CONTRACT; AND PROVIDING AN EFFECTIVE DATE First Reading

Attorney Ardaman read the ordinance by title.

Motion made by Commissioner Seidel to accept the ordinance on first reading, seconded by Commissioner Sprinkel. 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.

PUBLIC COMMENTS (ITEMS NOT ON THE AGENDA)

Jim Barnes, Bank First Building, spoke in support of using CRA funds to help support the new Library and Events Center enhancements.

Cynthia Wood, Winter Park Library, spoke in support of using CRA funds to help finance parking for the new library.

City Commission Reports:

Commissioner Seidel – Addressed his attendance at the 'Next Golden Age of Winter Park' hosted by Rollins College and the Winter Park Voice. He spoke about the discussion concerning architectural review and asked if there was an interest that they begin discussions of what would be best for the City. After discussion, there was no support to pursue architectural control at this time.

He spoke about the need for people to be more honest and caring and to be good examples to everyone.

Commissioner Sprinkel – Spoke about the complaints of the sound system at Showalter. Assistant Parks Director Ron Moore explained what they have done there to better control the noise. Commissioner Sprinkel addressed the increase of weeds in the lakes.

Commissioner Cooper – Stated she has for years hoped they would pursue architectural excellence and if a board is not acceptable she wanted to see the conversation take place to see if there are any alternatives. She spoke about the increase in complaints about noise (airplanes, construction noise, Showalter intercom, etc.) and the need to protect quality of life and hoped our Sustainability Board would look at this.

Commissioner Cooper showed a picture of a construction site that had nice coverage to help block the site and asked if staff can review ways to improve the construction experience and help make the construction more agreeable with residents residing close by. Addressed her Coffee Talk where there was a lot of good input. She thanked Mayor Leary for his responsiveness to people with thanking them and treating them with great dignity and respect. She stated when people come to speak they are expecting responses to what they are saying and that the Commission does not always respond. She asked if our process can allow for staff to respond somehow to people. After discussion, the request to speak forms will be adjusted so the public understands the process better.

Commissioner Weldon – Stated his interest is in pursuing excellence in governance and that he loves Winter Park.

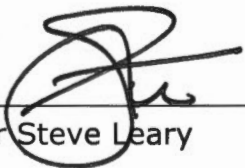
Mayor Leary – Thanked Vice Mayor Weldon for filling in for him at the Veteran's Day ceremony.

The meeting adjourned at 5:45 p.m.

ATTEST:



City Clerk Cynthia S. Bonham, MMC



Mayor Steve Leary