

CITY COMMISSION MEETING MINUTES
January 12, 2004

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth "Kip" Marchman at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was offered by Cultural and Economic Development Director Chip Weston, followed by the Pledge of Allegiance.

PRESENT: Mayor Kenneth "Kip" Marchman, Commissioners Douglas Storer, John Eckbert, Douglas Metcalf and Barbara DeVane; City Attorney Brent McCaghren; City Manager James Williams and City Clerk Cynthia Bonham.

MAYOR'S REPORT:

- a) Chamber President Sam Stark presented a check to Winter Park elementary schools in the amount of \$4,400 from funds raised at the annual Pancake Breakfast. He also provided an overview of the Chamber's accomplishments for 2003.
- b) Mayor Marchman recognized Joe Serrano, Public Works Department as January 2004 Outstanding Employee of the Month.
- c) Mayor Marchman nominated Laura Turner as a member of the Pedestrian and Bicycle Advisory Board. Nomination was seconded by Commissioner DeVane and carried unanimously.

CITY ATTORNEY'S REPORT:

- a) Resolution-Designating 1353 Essex Road as a historic resource.

RESOLUTION NO. 1849-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1353 ESSEX ROAD, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner DeVane to adopt the resolution, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was not present.

- b) Resolution-Designating 1425 Berkshire Avenue as a historic resource.

RESOLUTION NO. 1850-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING THE PROPERTY LOCATED AT 1425 BERKSHIRE AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE IN THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Storer to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf and DeVane voted yes. The motion carried unanimously with a 4-0 vote. Commissioner Eckbert was not present.

c) Resolution-Authorizing commercial credit card account.

RESOLUTION NO. 1851-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CITY TO ENTER INTO A COMMERCIAL CREDIT CARD ACCOUNT RELATIONSHIP WITH SUNTRUST BANKCARD, N.A. AND DESIGNATING CERTAIN INDIVIDUALS AS AUTHORIZED CITY REPRESENTATIVES TO EXECUTE AGREEMENTS AND DOCUMENTS ON BEHALF OF THE CITY FOR THIS RELATIONSHIP.

Attorney McCaghren read the resolution by title. No public comments were made. Commissioner Eckbert arrived at 3:52 p.m.

Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

d) Resolution-Authorizing City staff and attorneys to take all actions necessary to exercise the electric distribution system purchase option.

RESOLUTION NO. 1852-04: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA; PROVIDING FINDINGS; MAKING DETERMINATION; AUTHORIZING CITY STAFF AND ATTORNEYS TO TAKE ALL ACTIONS NECESSARY TO EXERCISE THE ELECTRIC DISTRIBUTION SYSTEM PURCHASE OPTION; PROVIDING AN EFFECTIVE DATE.

Attorney McCaghren read the resolution by title. No public comments were made.

Motion made by Commissioner Metcalf to adopt the resolution, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Eckbert, Metcalf and DeVane voted yes. The motion carried unanimously with a 5-0 vote.

CONSENT AGENDA:

- a) Approve minutes of 12/8/03.
- b) Approve bids, purchases and change orders as follows:
 - 1) Extension of Bid WP-2-2003, Tree Debris Removal, with Consolidated Resource Recovery, Inc. with no change in service or price.
 - 2) PR 107270 to Brick America for special designed paving bricks, \$127,204.00 (Budget: Special Projects)
- c) Review calendar and update with upcoming events.
- d) Direct the City Attorney to proceed with the appropriate legal proceedings to foreclose the property at 730 Dunbar Street due to a Code Enforcement Board order to foreclose this property.
- e) Approve the final selection of firms to provide site construction services to the City as an extension of staff services as follows (RFQ-2003, Miscellaneous Site Construction Work): Gibbs & Register, Inc.; White's Site Development, Inc.; and Prime Construction Group, Inc.

No public comments were provided. Attorney McCaghren provided comments related to Consent Agenda item 'd'. He stated that Mr. Barry Abraham asked that the City's code enforcement lien be transferred and assigned to him so he can foreclose, acquire and make improvements to the

property. Mr. McCaghren stated he informed Mr. Abraham this has not been a practice of the City and was bad public policy but that he was welcome to make this request. He indicated that Mr. Abraham could not attend the meeting due to illness. Mr. McCaghren also addressed an attorney general's opinion whereby they opined that these types of liens are personal to the City and are not a commodity to bargain and sell or transfer. He stated that he informed Mr. Abraham of this opinion.

Motion made by Commissioner DeVane to approve the Consent Agenda, seconded by Commissioner Storer. Motion carried unanimously with a 5-0 vote.

PUBLIC HEARINGS:

- a) ORDINANCE NO. 2544-04: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA PROPOSING AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF WINTER PARK, FLORIDA BY AMENDING SECTION 2.14 "BORROWING" TO ELIMINATE THE REQUIREMENT FOR VOTER REFERENDUM APPROVAL PRIOR TO THE CITY'S ISSUANCE OF REVENUE BONDS TO FINANCE THE PURCHASE, LEASE AND/OR ACQUISITION OF PARK REAL PROPERTY AND/OR PARK PROJECTS; PROVIDING A BALLOT TITLE AND WORDING FOR THE SUBSTANCE OF THE PROPOSED AMENDMENT; PROVIDING FOR REFERENDUM BY THE ELECTORS OF THE CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF THE CHARTER AMENDMENT PROPOSAL; PROVIDING AN EFFECTIVE DATE. Second Reading

City Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained the proposed Charter amendment to allow the City to borrow money or issue bonds for park properties without voter approval.

Joe Terranova, 700 Melrose Avenue, stated he favored the ordinance but asked for clarification of section 3. Attorney McCaghren provided an explanation of this section.

Michelle Rodriguez, 1667 N. Park Avenue, spoke in favor of the ordinance and on the need to more easily acquire park land.

City Manager Williams stated that Mr. Michael Green, Fosgate Drive, asked him to inform the Commission that he was in favor of this ordinance and Public Hearing 'd'. Commissioner Eckbert commented that he is supportive of this ordinance and thanked Ms. Rodriguez and Commissioner DeVane for their work related to this issue.

Motion made by Commissioner DeVane to adopt the ordinance, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- b) Subdivision request of the Ramber Group to replat the existing six 50' lots at 1120/1136/1156/1174 S. Pennsylvania Avenue between Clarendon and Melrose Avenues into four lots averaging 75' wide to construct four new two story townhouse duplexes.

Planner Jeff Briggs addressed the subdivision request that involved 6 properties on Pennsylvania between Clarendon and Melrose Avenues. He stated they wish to reformulate these six lots into four lots and to build a two unit townhouse on each lot (8 total townhouse units). He further explained the

proposed layout of the property, the view for the surrounding property owners, the need for proper visual buffering and to reduce traffic noise. Mr. Briggs further explained the conditions imposed by the Planning and Zoning Commission to include the 6' wall. He also addressed the request made by Doug Trovillion to consider curbing of the two streets on Clarendon and Melrose to control the street drainage and that the applicant continue the ornamental streetlights. He suggested these two requests be part of the approval.

Commissioner DeVane addressed the requirement of Mr. Trovillion to continue the meandering sidewalk up the street and that the street lights go around the corner as well. She asked that this be included as a condition of approval. Mr. Briggs clarified that the applicant has already volunteered to install the street lights. Commissioner Storer commented in favor of the meandering sidewalks and buffer and suggested to vary the setbacks to allow for building variations. Mr. Briggs agreed this was a good suggestion.

Richard McHenry, 530 Clarendon Avenue, expressed privacy, noise and lighting concerns with the project. He asked that these issues be considered when the plans are finalized. He also addressed their fence protruding one foot onto this property and the large amount of landscaping that will have to be taken out because of the wall. Mayor Marchman indicated this is a conceptual approval and hoped the Planning and Zoning Commission would consider this request.

Motion made by Commissioner Storer to approve the subdivision request to include the Planning and Zoning Commission conditions and the additional conditions as indicated by Commissioner DeVane to continue the meandering sidewalk up the street, to install the street lights and his request to vary the setbacks. Seconded by Commissioner Metcalf and carried unanimously with a 5-0 vote.

c) Requests of the City of Winter Park:

Attorney McCaghren read all three ordinances by title. Planner Jeff Briggs explained the three proposed annexation areas and that they will be working toward a successful referendum. No public comments were made.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX PROPERTIES ON KENTUCKY AVENUE, FORMOSA AVENUE AND OGLESBY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN ANNEXATION REFERENDUM TO BE HELD ON MAY 4, 2004 WITH AN EFFECTIVE DATE OF JUNE 28, 2004. First Reading

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert, and DeVane voted yes. The motion carried with a 5-0 vote.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX THE PROPERTIES ON THE SOUTH SIDE OF LEE ROAD TO INCLUDE PROPERTIES ON TURNER ROAD, BLOSSOM LANE AND LAKE DRIVE, PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN

ANNEXATION REFERENDUM TO BE HELD ON MAY 4, 2004 WITH AN EFFECTIVE DATE OF JUNE 28, 2004.
First Reading

Motion made by Commissioner DeVane to accept the ordinance on first reading, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert, and DeVane voted yes. The motion carried with a 5-0 vote.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING WITHIN THE CHARTER LAWS OF THE CITY OF WINTER PARK, SECTION 1.02, "CORPORATE LIMITS DESCRIBED," SO AS TO ANNEX PROPERTIES ON THE NORTH SIDE OF FAIRBANKS AVENUE AND EAST AND WEST SIDES OF WYMORE ROAD INCLUDING PROPERTIES ON OLOLU DRIVE, BEVERLY AVENUE, FRANKLIN AVENUE, N. WYMORE ROAD, LOTAFUN AVENUE, EUSTON AVENUE, SALISBURY BOULEVARD, PELHAM ROAD, ROXBURY ROAD, RIDDLE DRIVE, CHAIN STREET, ALLEN STREET, WELLINGTON BOULEVARD, ORANGE TERRACE DRIVE, BLUE HERON DRIVE, AUDREY AVENUE, WESTMINSTER COURT, KINDEL AVENUE, CAMBRIDGE BOULEVARD, KILLARNEY DRIVE, STAUNTON AVENUE, BISCAYNE DRIVE, KAROLINA AVENUE, OHIO STREET, FORMOSA AVENUE, CLAY STREET, STARLING ROAD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR AN ANNEXATION REFERENDUM TO BE HELD ON MAY 4, 2004 WITH AN EFFECTIVE DATE OF JUNE 28, 2004. First Reading

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert, and DeVane voted yes. The motion carried with a 5-0 vote.

d) Establishing a Park and Recreation Impact Fee for new residential development.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 66 "PARKS AND RECREATION" SO AS TO ADOPT A NEW ARTICLE III, "PARK AND RECREATION IMPACT FEES" SO AS TO ESTABLISH A PARK AND RECREATION IMPACT FEE FOR NEW RESIDENTIAL DEVELOPMENT, PROVIDING FOR EXEMPTIONS AND ESTABLISH A PARK AND RECREATION TRUST FUND, PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Planner Jeff Briggs explained the proposed ordinance to adopt a new park impact fee of \$2,000 per new net housing unit. He explained that this would not apply to replacing existing units and that the fee would go into a Parks Trust Fund that could be used exclusively for the purchase and development of new park land. He also explained the other impact fees imposed by the City and how this would raise the total but are still in line with Orange County's current fees. He addressed the economics of Winter Park and the average home price. He believed the proposed fee would not significantly curtail new development because of the contrast with real estate prices within the City. He stated that the new Parks Task Force and the Parks and Recreation Commission has endorsed the fee.

Parks and Recreation Director John Holland spoke in favor of the proposed ordinance because of the need for more parks within Winter Park.

Dan Bellows, 533 W. New England Avenue, supported the need for additional park land but asked that CRA residential development be exempted from the impact fee or at minimum calculate the impact fee (whether it is a multi-family apartment building or multiple homes), charge this against the increment tax revenue of the CRA fund, and provide that money to the Parks Trust Fund. He stated that would help the residential development in the CRA area.

Joe Terranova, 700 Melrose Avenue, spoke in support of exempting the impact fee from CRA housing.

No further public comments were made. Commissioner questions regarding other impact fees and what they can be used for were answered by Mr. Briggs and Attorney McCaghren. Mr. Briggs stated this will not solve all the City's problems with funding for park land. He stated the estimated revenues received will be about \$150,000 per year but once revenue is received, will potentially be bondable. There was discussion concerning possible exemptions to this ordinance and the impact on affordable housing.

Motion made by Commissioner DeVane to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert and DeVane voted yes. The motion carried with a 5-0 vote.

- e) Increasing the membership of the Public Art Advisory Board from eight (8) members to nine (9) members.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING ORDINANCE NO. 2494-03, INCREASING THE MEMBERSHIP OF THE PUBLIC ART ADVISORY BOARD FROM EIGHT (8) MEMBERS TO NINE (9) MEMBERS; PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. No public comments were made. Mayor Marchman explained the 2/2 vote from the previous meeting causing the motion to fail.

Motion made by Commissioner Metcalf to reject the ordinance, seconded by Commissioner Eckbert.

Mayor Marchman explained the prior discussions on this issue. He stated the request to increase the members came from the Board because they believe they can provide a better service with an additional member.

Commissioner Eckbert had to excuse himself from the meeting so a recess was taken from 4:53 - 5:00 p.m. at this point to allow for his return.

Chip Weston addressed the progress being made by the Public Arts Board. He stated they feel they have enough subcommittee work that they can use another member and that the additional member has the expertise needed.

After further comments regarding the even number of members currently on the board, the motion to reject was withdrawn by both the motioner and seconder.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner Metcalf. Upon a roll call vote, Mayor Marchman and Commissioners Storer and Metcalf voted yes. Commissioners Eckbert and DeVane voted no. The motion carried with a 3-2 vote.

f) Authorizing the conveyance of a parcel of land within Block 34, Town of Winter Park.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE CONVEYANCE OF A CERTAIN PARCEL OF LAND WITHIN BLOCK 34, TOWN OF WINTER PARK, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. He explained the property location being the block of property containing the Sprint building (bounded by Morse on the north, Welbourne on the south and Virginia on the west and New York on the east). He addressed the real estate transaction of people trying to acquire a piece of property from Sprint and discovering that the City owned a 10' x 50' strip of land across the north of Lot 19. He stated the City acquired a 10' x 100' strip of land immediately east and adjacent to it along the north of Lots 20 and 21. He stated the City was asked to take some action to authorize the conveyance of this property. He explained that this property is in the center of the block, is land locked and not accessible.

Dan Bellows, 533 W. New England Avenue, asked if the 10' x 150' piece located on the north end of Lot 19 and adjacent to Lots 20 and 21 in the center of the block could be remnants of an alley that may or may not have been vacated in some portion over time. Attorney McCaghren addressed what he believed happened in 1940 when the City vacated and abandoned the entire 14' alley that ran east/west through the middle of the block, but reserved an utility easement over it. In 1968, the City further vacated by ordinance any reservation of easements and other rights to it and the alley that ran through the entire block. He stated that between 1940-1968, the City swapped property with the telephone company whereby they gave the City the east 24' off that block to widen New York Avenue and in turn the City gave them part of Lot 19 but kept the north 3' off of Lot 19 and the south 7' of its vacated alley. He stated when the City acquired the widening for New York Avenue it also received the 10' x 100' strip over Lots 20 and 21 to be used for a road.

No further public comments were made.

Motion made by Commissioner Eckbert to accept the ordinance on first reading, seconded by Commissioner Storer. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert, and DeVane voted yes. The motion carried with a 5-0 vote.

g) Winter Park Police Officers' Pension Plan.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING THE CITY OF WINTER PARK POLICE OFFICERS' PENSION PLAN, ADOPTED PURSUANT TO ORDINANCE NO. 2478-02, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. First Reading

City Attorney McCaghren read the ordinance by title. Assistant City Manager Randy Knight explained the intent and timing of the ordinance, and the Fire Department ordinance previously adopted. No public comments were made.

Motion made by Commissioner Storer to accept the ordinance on first reading, seconded by Commissioner DeVane. Upon a roll call vote, Mayor Marchman and Commissioners Storer, Metcalf, Eckbert, and DeVane voted yes. The motion carried with a 5-0 vote.

h) Federal Law Enforcement Block Grant for the Police Department.

Police Chief Doug Ball explained this is the annual Law Enforcement Block Grant that requires a public hearing be held before the receipt of the funds of \$23,187, to continue the improvement of the Department's computer system, can be acted upon.

No public comments were made.

Motion made by Commissioner Metcalf to approve the process, seconded by Commissioner DeVane and carried unanimously with a 5-0 vote.

- i) **CONTINUED UNTIL JANUARY 26, 2004, BY REQUEST OF THE APPLICANT -** Conditional use approval to construct a new five story, 412,300 sq. ft. building at the southwest corner of Denning Drive and Webster Avenue within the Winter Park Village to consist of 103 condominium units; 8,325 sq. ft. of retail space and a four level, 642 space parking garage and to construct a new four story, 409,000 sq. ft. building at the northwest corner of Denning Drive and Canton Avenue to consist of 88 condominium units and a four level, 594 space parking garage.
- j) **WITHDRAWN BY THE APPLICANT.** Request of The Bindery LLC to changing existing designation of Single Family Residential to Parking Lot at 1210 Dallas Avenue.

CITY MANAGER'S REPORT:

a) Valet Parking on New England Avenue for Plaza Gardens.

Postponed to next meeting.

b) Winter Park Library Partnership with Valencia Community College and the City.

City Manager Williams stated that a meeting was held with the Library and Commission and that staff is asking direction as to how to proceed. He addressed the interest of Valencia and the Library to be partners and their desire to involve the City in the process.

Planning Director Don Martin addressed the Guiding Principles submitted by the Library for the State office building property located at Morse Boulevard and Denning Avenue. He commented on the need to discuss the Guiding Principle related to whether or not the property should be committed to all public purposes, or if a mixed use should be explored. He stated that keeping options open at this time would be beneficial because of the unknown cost of a program on this property. He addressed the importance of engaging in a site specific design concept at this time to determine the alternatives for this property.

Discussion ensued regarding the history of the property. Commissioner Storer addressed the importance of gaining control of this property and that he had suggested that Guiding Principles be provided by the Library Board. He also spoke about believing that a majority of the use of this property should be for public use and that an expanded Valencia campus and Library would be an ideal asset to the community. Mayor Marchman addressed the State statutes regarding disposing of State properties and the order at which agencies receive the highest priority for receiving the property. Commissioner DeVane asked that the Guiding Principles be expanded to include the exploration of all public partnerships that could happen in the City. She encouraged also exploring a partnership with Orange County Public Schools along with Valencia and the Library. She commented she believed the State would be more likely to donate the property at no cost if they knew it was going to go into a public partnership to benefit the community. Commissioner DeVane also spoke about the need for more parking at the Civic Center and that this property could be utilized as parking when needed.

Bob Melanson, Winter Park Library, spoke in favor of the City partnering with the Library and Valencia because of the need to expand their space and services.

Special Assistant to President Thomas Powell, Valencia Community College, noted the support that Valencia has for partnering with the City and the Library.

City Lobbyist Bob Hartnett, 410 Lakewood Drive, clarified what took place during the last legislative session regarding an amendment to the existing bill concerning acquisitions of property. He addressed the current statute and the defined order as to who would receive vacated property and their attempt to reverse the order so municipalities are first on the list. He addressed a controversy with the City of Lakeland during the session causing the bill to die and who is no longer a party to this legislation because of settling their controversy. He stated that Representative Kallinger has agreed to follow this issue through the legislature.

Dr. Thaddeus Seymour, 1350 College Point, spoke in favor of pursuing the acquisition of this property and the need to partner with the Library.

Joe Terranova, 700 Melrose Avenue, spoke in favor of acquiring this property and on the need to keep the commercial option open.

No further public comments were made.

Commissioner DeVane inquired as to the disposition of the Department of Motor Vehicles site. Planning Director Don Martin responded it was conveyed to him that a deal was made but has not verified it from an independent source. She stated that she does not have a problem designating the State office property for use public only. Further discussion took place regarding the Guiding Principles and potential uses of the building. Commissioner Storer suggested to end Principal #1 after "public good."

Motion made by Commissioner Metcalf to conceptually approve moving forward with acquiring this property and to partner with the Library, Valencia and possibly OCPS. Seconded by Commissioner DeVane and carried unanimously with a 5-0 vote.

c) Waste Management garbage collection issues.

City Manager Williams stated that Waste Management's contract expires this year which contains the option of extending it another five years until April 30, 2009. He added that they need to be informed by the end of the month whether the City is extending the contract. He spoke about the higher rates the City is paying for this service but that the service they provide is good and the City receives few complaints. He commented about staff discussion to have Waste Management take care of the otto carts the City is currently housing and distributing. He stated the City can negotiate better rates and any other changes the Commission is interested in.

Commissioner Eckbert asked if the contract could be extended for 90 days to enable time to determine if a lower rate can be agreed on or if a competitive bid process makes sense. Commissioner Storer addressed the superb service that has been provided. Attorney McCaghren explained the extension process.

Motion made by Commissioner Metcalf to extend the contract another five years with the current rates and for staff to negotiate a better rate, seconded by Commissioner Storer. After further discussion, the motioner and seconder agreed to disregard the previous motion and make a motion to adopt staff's recommendation to "Direct staff to contact Waste Management regarding adjustments that could be made in the agreement to include a reduction in rates in exchange for extending the agreement." Motion carried with a 4-1 vote with Commissioner Eckbert voting no.

d) City Manager Williams stated that Commissioner DeVane requested a discussion regarding the railroad train horns and gates. Public Works Director Jim English provided a presentation regarding quiet zones that go away in December 2004. He stated the City could establish these zones before December which would disallow any train horns within Winter Park. He addressed the 16 railroad intersections in the City and that only one intersection at this time qualifies as a quiet zone. He addressed safety modifications that can be done to lower the risk factors that affect qualifying as a quiet zone. He stated that he believed the City could make the necessary safety modifications for about \$300,000 which would stop the train whistles throughout the entire City. He stated this would need to be done in this budget year.

There was a consensus to move forward with obtaining estimates to make the necessary modifications.

e) City Manager Williams informed the Commission about the study being performed regarding the location of existing easements and access points to lakes within the City. He stated a report will be provided in the near future.

f) City Manager Williams stated a call was received today from the City of Coral Springs regarding their invitation to meet with the Commission regarding the Sterling Award Program. Their City Manager suggested certain times in February. The Commissioners were asked to check their calendars.

NEW BUSINESS:

1. John Weesner, 100 S. Interlachen Avenue, addressed the resolution adopted in support of pursuing the electric purchase option and commended the Commission for their action taken. He commended the City Manager's office for an excellent job of working with the resources it had available to arrive at this point but was concerned that the necessary resources to properly pursue the goal of the resolution are not available. He stated the current consultants are an ad hoc group being led by First Southwest having substantial talents applicable to the activities but that he did not believe they can offer all that the City might need as it moves forward with the effort to purchase and operate the electric system. He asked that the City ensure that the best team is available.

Comments were made by the Commissioners about the need to do whatever is necessary to make that happen. Upon discussion, there was a consensus to schedule a work session to update the Commission on the status and what the needs are.

2. Deborah Gardner, 2230 Cady Way, spoke about the meeting that was held two years ago to allow an AT&T cell tower at Showalter field in exchange for a new maintenance facility. She stated that neither the cell tower or the facility have been constructed. Parks and Recreation Director John Holland provided an update regarding the AT&T cell tower. He stated they had shelved the project but is coming back out soon and will contact AT&T again to see when this will be accomplished.

3. Commissioner Metcalf spoke about the Florida Legislature upcoming session and the list of projects the City was trying to get through the legislature for funding. He asked if a current list was available and if the lobbyists are aware of these projects. He also asked if there are any funds available in the budget to assist with building the Library. Mr. Williams stated he spoke with the City's Federal Lobbyist Mr. Davenport today and that the list is being revised for the Mayor's signature to be provided to the delegation by March 1.

Commissioner Metcalf addressed the letter from State Lobbyist Bob Hartnett asking that a shortened version of his contract be entered into for the months of January-April at \$3,500 per month to guide the City through the next Legislative session. Mr. Williams stated there are no funds budgeted for lobbying services this year and if the Commission wishes to retain Mr. Hartnett, the \$14,000 would need to come from the Contingency Fund. He stated he believed the main issue that Mr. Hartnett would work on is the State building.

Mr. Hartnett stated the City opted not to renew his contract because of budgetary constraints and he is at the point of either providing this service pro bono or finding a way to fund it. He summarized the work he has already done since October regarding the State office building property. It was clarified that upcoming sales tax projections are too early to project. Commissioner Storer suggested utilizing Valencia's lobbying capabilities. Commissioner Metcalf expressed concerns with Valencia concentrating on other college issues more so than the State building. There was a consensus to provide a review at the next meeting regarding any potential funding in the budget for Mr. Hartnett's lobbying services and to also provide a financial report.

4. Commissioner DeVane asked for a report regarding the Housing Rehab Program in February.

5. Commissioner DeVane asked the status of the Regent Hotel. Mayor Marchman stated they now want to sell a number if not all of the units in the hotel portion as condominium units. Commissioner Metcalf stated he met with Mr. Ellert who made assertions that this is going to happen. He stated he wanted legal counsel to review the contract. He addressed concerns that the proposed change will affect the number of people shopping and dining on Park Avenue.

The meeting adjourned at 6:38 p.m.

Mayor Kenneth R. Marchman

ATTEST:

City Clerk Cynthia Bonham