

REGULAR MEETING OF THE CITY COMMISSION
July 12, 2010

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:34 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Fire Chief Jim White, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson (arrived at 6:23 p.m.)
Commissioner Beth Dillaha
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Commissioner Cooper requested that the Transportation Improvement Plan be removed from the agenda noting that it was not posted on the City's website for public review. The agenda was approved with the removal of Item 11A by acclamation of the City Commission.

Mayor's Report

a. Employee of the Quarter presentation

Mayor Bradley recognized Construction Projects Assistant Manager Lena Petersen as the Employee of the Second Quarter for 2010. Mayor Bradley and Public Works Director Troy Attaway spoke about Ms. Petersen's professionalism and the outstanding job she does on a daily basis.

b. Proclamation – Shelby Hayes Day

Mayor Bradley proclaimed July 12, 2010 as Shelby Hayes Day in Winter Park. He recognized Shelby for setting the all time Florida high school record for the girl's mile run with a time of 4 minutes and 43 seconds. He also mentioned that she is the fastest high school girl miler in state history (since the year 1845 – 165 years).

Mayor Bradley noted that this week the City is in the process of a three day accreditation visit from the National Association which credits the Parks and Recreation Department. It was noted that they will be reviewing all policies and procedures, along with performing field visit audits. Mayor Bradley noted that there are less than 100 Parks and Recreation Departments accredited in the United States and this is the first year that the City is participating in the program in hopes of being recognized worldwide.

City Manager's Report

City Manager Knight presented the proposed fiscal year 2011 budget and corresponding five year capital improvement plan. He noted that the same information was delivered to the Commission last week for their review and that the same budget information can be accessed via the City's website.

Mr. Knight pointed out several key statistics from this year's budget. He stated that the General Fund revenues are down 3.2% or \$1.2M, property taxes are down 8.6% or \$1.35M, the unrestricted fund balance in the General Fund is up \$1.8M, bringing it to 20.91% of recurring expenditures all of which is at the existing millage rate of 4.0923 mils and will remain the same for next year's tax rate.

Mr. Knight stated that on April 26, 2010 the FY2011 recommended budget goals were presented to the City Commission. These goals were identified ahead of developing the proposed budget. The budget goals for this year were to continue to increase reserves by \$1M, to hold the millage rate at 4.0923, to reduce controllable employee benefits by 5%, to continue to provide the outside organizations the same support as the 2010 levels (Historical Association, Library, etc.) and to maintain the current levels of service.

There were several charts that Mr. Knight presented and provided a detailed summary of each item. These included a ten year trend chart showing revenues and expenditures, a taxable value and operating millage chart, a total millage rate chart, an economy impacted revenues chart, and an unreserved general fund balance chart as a result of expenditures. Also included was a wages and number of FTE's (Full Time Equivalent) chart, police pension defined benefit chart, fire pension defined benefit chart, and the general employees retirement program 401a (defined contribution) chart.

While discussing the police and fire pension chart, Mr. Knight mentioned that currently there is an actuary looking at the police and fire plan benefits and they are working on eight scenarios to determine how to best affect the plan changes and will be issuing a final report this week. He noted that he has factored into his budget a \$270K reduction in police and fire pension costs paid by the City. He mentioned that any changes to these plans are still subject to negotiations with the unions and we need to work through them and finalize a contract because it impacts the overall budget.

There was an overall question and answer discussion regarding the general employee 401a retirement program and the 457 management retirement plan, how both plans work with regards to the employee contribution rate and City contribution rate which increases based on length of service. It was noted that last year the City implemented the first phase of reductions to pension programs by altering the General Employees Pension Plan (401a). The defined contribution plan was reduced by 13%.

Mr. Knight discussed cost saving measures that have taken place over the last few years which has made this year's budget easier to balance. Some items that have been successful in controlling the cost implementation and cost control strategies is the City went to self insured to promote the health plans, for casualty, liability and worker's compensation insurance. There was a management decision list that was presented which illustrated the staff driven implementations such as the implementation of P-cards, eliminated take home vehicles last year, installed LED traffic lights saving on electricity, elimination of capital costs and reduced operating costs on hand held radios and switched to cell phones, and revised billing FD. They privatized street sweeping, tennis management and certain tree trimming, and now provide in-house records storage. They have also implemented intergovernmental fire truck maintenance with City of Casselberry increasing revenues, and the implementation of the lakes program with the state which saves money.

Mr. Knight presented the budget cuts and noted an additional reduction of \$1.2M was necessary to balance the budget and meet the goals of replenishing reserves while maintaining the millage rate at 4.0923. He stated that they have eliminated the longevity bonus reducing \$168K along with no merit increases for employees for the second straight year and no cost-of-living increase for the third year, decreased the City subsidy for health insurance by \$382K, increasing the employees' contribution to family dental by cutting the City subsidy in half by \$125K, and freezing three vacant positions in the Police Department, pending the retirement of two lieutenants. Once the lieutenants retire, the lieutenant positions will be permanently eliminated and the police officer positions currently frozen will be filled saving \$180K. Modified the Police and Fire pensions by \$270K, reduced the read off time in the Police Department saving \$80K, reduced the overtime in the Fire Department saving \$112K and eliminated the Federal lobbyist saving \$66K.

There was a chart that depicted the operating reductions as % of departmental budget cuts over the last 5 years noting that Planning has taken the largest hit at about 26.7% and Administration and Parks and Recreation is the second largest hit at about 9-10%. Mr. Knight noted that they have kept their organizational support at a 0.56% reduction in the last 5 years.

Mr. Knight discussed the 5 Year Capital Improvement Plan and stated that in 2011 there is \$1.7M in general funds for paving and brick repair for 9-10 miles, parks maintenance >33%, facilities maintenance, Ward Park Phase I, and athletic lights. He stated that years 2-5 show Sterling Bridge, bike/pedestrian improvements, tree farm, quiet zones, Shade – Lake Island, and the 5th year of the plan is for City Hall and library. There was also a 10 year Pro-Forma chart showing the general funds of 2011-2020. In conclusion, it was noted that the September 13 and September 27 meeting will be the two public hearings on the budget ordinance and the millage ordinance for final adoption and the budget goes into effect October 1, 2010.

Mr. Knight addressed Commission questions. City Attorney Brown clarified the budget question process and stated that all budget related questions should be sent to the City Manager and both the question and the answer will be forwarded to all members of the Commission.

City Manager Knight addressed and provided clarity on the Red Light Camera issue that several Commissioners questioned. He noted that they have to modify the ordinance slightly and modify the contract with the selected vendor because of the way the revenue works and they are currently working with the City Attorney's office to bring the item forward shortly.

Non-Action Items

There were no non-action items.

City Attorney's Report

- a. Second Amendment to the Interlocal Agreement with Orange County regarding commuter rail

City Attorney Brown asked if he could attend next Monday's work session to address this issue. Mayor Bradley noted that a newly drafted document was presented to the Commission prior to today's meeting and because of the short notice several members of the Commission did not have time to review the item. There was an overall detailed discussion pertaining to the 4th draft agreement dated July 12, 2010 prepared by Attorney Brown. He noted that he incorporated

both Commissioner Cooper's and Commissioner Dillaha's suggested items into the document. Attorney Brown addressed each item that was modified and the reason for the modification, along with addressing other concerns that the Commission presented.

It was agreed that Attorney Brown will bring forth the item to the work session of August 2, 2010 for further discussion to fully consider the language presented and ask for a consensus at that time. Attorney Brown will then finalize the first proposed second amendment and then meet with Orange County to discuss the second amendment and see what they will agree to.

Public Comments:

Jean Cumming, 902 Golfview Terrace, asked if Winter Park opts out of participating in the commuter rail project, does that mean that there will be no stops within the City limits of Winter Park.

George McClure, 1730 Shiloh Lane, spoke about the congestion management plan.

Donna Colado, 327 Beloit Avenue, spoke in regards to the traffic transportation plan and stated that a copy of the plan was not included in the agenda packet.

Consent Agenda

- a. Approve the minutes of 6/28/10. - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Authorize staff to enter into negotiations with the top ranked firm of ZHA, Inc. for RFQ-19-2010 Construction Manager for Winter Park Community Center. - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- c. Approve the award of IFB-20-2010, Fairbanks Avenue Roadway & Pedestrian Improvement Project to APEC, Inc.; \$632,970.30.
- d. Approve the award of IFB-21-2010, Winter Park Cortland Avenue Outfall Improvement Project to Sitek Corporation; \$185,786.00.
- e. Approve the contract with Magic Ice USA for the 2010 "Winter in the Park" holiday ice rink - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda items c and d; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Minutes of June 28, 2010

Commissioner McMacken asked to modify the minutes regarding the dog ordinance to provide clarity. He asked that the minutes reflect that the ultimate decision should be provided by code enforcement and if citizens would like to appeal the code enforcement decision to seek assistance from the board and the legal courts.

Motion made by Commissioner McMacken to modify the minutes to include this information; seconded by Mayor Bradley. The motion carried unanimously with a 5-0 vote.

Consent Agenda Item 'b' - Authorize staff to enter into negotiations with the top ranked firm of ZHA, Inc. for RFQ-19-2010 Construction Manager for Winter Park Community Center

Commissioner Dillaha asked if any of the criteria was priced and what the dollar amount for the Construction Manager is. City Manager Knight noted that you can not ask or shop by price for a CC&A project per state statutes. He explained the full process in detail. He clarified that what they would be approving is for staff to negotiate with the number one ranking firm.

Motion made by Commissioner Dillaha to approve Consent Agenda item 'b'; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda Item 'e' – Contract with Magic Ice for the 2010 "Winter in the Park" holiday ice rink

Commissioner Cooper noted that she has received some input from neighbors who live in Park West on the first floor and asked CRA Director Ms. DeBord if there is a way they could address the noise concerns. Ms. DeBord stated that they will work with everyone to buffer the noise and the set-up time will also be addressed. Commissioner McMacken asked if there will be restrooms provided. It was noted that there will be heated trailer facilities on site. Commissioner Dillaha asked if there will be specific events on ice scheduled for both adults and children. Ms. DeBord stated yes, that they are working with the local merchants to help market specific events.

Motion made by Commissioner Cooper to modify the contract to reflect that the setup and teardown hours are consistent with the hours of operations and to approve the contract with that modification; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

A recess was taken from 6:01 p.m. to 6:16 p.m.

Action Items Requiring Discussion:

- a. Traffic Transportation Plan – Removed from the Agenda.
- b. Service change for residential solid waste collection

Water and Wastewater Utility Director Dave Zusi provided a brief update by discussing the service change for residential solid waste collection, the costs associated with the current service level and the fees associated with this alternative in reducing garbage pickup from twice a week to once a week and the recycling changed from the bin system to a cart system. There was an overall discussion regarding the costs, if there were certain areas that were being considered for the pilot program, pickup schedule and garbage overflow. Mr. Tim Dolan with Waste Pro of Florida, Inc. provided information regarding the schedule that other cities have, how to address garbage overflow and how they measure the success of recycling. It was noted that recycling is tracked by tonnage. Mayor Bradley asked to see those numbers and how we compare to other cities or jurisdictions. There was a request for a survey to be performed on the homeowner's associations currently participating in the program so that additional information could be obtained prior to the Commission giving direction. Mayor Bradley stated that once Mr. Zusi has received the additional data, he will then bring the item back for further action. It was also noted that the Environmental Review Board should also review this item.

Public Hearings:

- a. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, REQUIRING A LOCAL CODE OF ETHICS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. No public comments were made.

Assistant City Manager Ms. Michelle del Valle addressed several questions that were raised by the Commission regarding the training and education and the program to instruct. Ms. del Valle stated that Section 3 of the ordinance covers this item and mentioned that they have developed a draft booklet to be shared with board members and city officials. Discussion ensued regarding the enforcement and the Code of Ethics.

Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner McMacken. There was an overall discussion regarding the specific language and wording of the amendment. Attorney Brown recommended the following language in the first paragraph of Section 3 following the "colon"; **"The City of Winter Park will annually offer ethics education to its elected officials, appointed board and committee members, department heads, and employees higher on the personnel chart higher than department heads, in conjunction with one or more new member orientation meetings"**.

Motion made by Commissioner Dillaha to amend the motion to include City Attorney Brown's recommended language on the first reading; seconded by Commissioner McMacken.

Gene Randall, 1285 Richmond Road, stated that he likes the ordinance and they have his permission to pass this item.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- b. RESOLUTION NO. 2062-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA SUPPORTING A WAYFINDING SIGN SYSTEM PLAN TO EFFICIENTLY AND SAFELY GUIDE MOTORISTS AND PEDESTRIANS TO KEY PUBLIC FACILITIES INCLUDING CIVIC, CULTURAL, VISITOR AND RECREATIONAL DESTINATIONS WITHIN THE CITY OF WINTER PARK; APPROVING CRITERIA FOR DESTINATIONS SHOWN ON SUCH WAYFINDING SIGN SYSTEM PLAN; PROVIDING AN EFFECTIVE DATE.

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

Economic Development/CRA Director Ms. Dori DeBord provided a presentation outlining the sign requirements and signage concept for submittal to FDOT. The Public Works Department assisted with presenting the actual proposed signs to help create a visual perspective of the actual size of the signs and lettering. Ms. DeBord explained the process of selecting the names of the destinations, and the size of letters and why some letters or vowels are missing from the words. She asked the Commission for direction for approval of the concept presented. A question was presented regarding the cost estimate. Ms. DeBord stated they would come back

with the sign plan, the cost, and where they would be located, and now they are only asking for a yes or no action to the concept and resolution presented.

Motion made by Commissioner Dillaha to adopt the resolution, seconded by Commissioner Cooper. Motion amended by Mayor Bradley to replace “Historic Downtown” with “Park Avenue”; seconded by Commissioner Anderson.

A short discussion ensued regarding the naming of the destinations to be shown on the sign and several other options were noted.

Mr. Joe Terranova, 700 Melrose Avenue, stated that is has been over 7 years to address the wayfinding signs. He noted to leave the signs the way they are and move the project forward.

Motion made by Mayor Bradley to amend his amendment to replace “Welcome Center” with “Park Avenue”; seconded by Commissioner Anderson. Ms. DeBord suggested changing “Historic Downtown” to “Historic District” reassuring the Commission that they would be able to fit the whole word with no abbreviations needed because the vowel size is smaller. **Mayor Bradley withdrew his amendment and his amendment to the amendment.**

Motion made by Commissioner Dillaha to adopt the resolution and to list the items as follows: Historic District, Park Avenue, Rollins College; seconded by Commissioner Cooper. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

City Commission Reports

a) Commissioner Anderson

No items to report.

b) Commissioner Dillaha

Commissioner Dillaha mentioned that there were previous discussions regarding the grant for the funding and the actual location for the trail/path around Lake Baldwin Park. She stated that she now learned that the project has been designed, 100% funded and is going to be constructed August through September and asked that the item be brought forward to the Commission for review and discussion. There was a consensus of three to bring the item forward.

Commissioner McMacken clarified that the actions taken on this trail was taken previous to his being on the Commission and his discussions with Parks were as a private citizen some time ago regarding the location of the trail.

Commissioner Dillaha questioned the Keep Winter Park Beautiful Board regarding the renaming of the board, the status, if the duties and responsibilities have changed and the fund amounts. Because Parks and Recreation Director Mr. Holland was not present, City Manager Knight read Mr. Holland’s reply email to Commissioner Dillaha’s concerns for clarification as follows: “The name has not changed, it is the same sub-committee that it has always been. It was posted under Parks and Recreation because the Keep Winter Park Beautiful Board falls under that

1. Policy of use of consultants by department

Commissioner Dillaha asked about the use of consultants and about the current policy in place for different department heads hiring consultants in the range of the \$5K and \$10K threshold. City Manager Knight explained in detail the protocol and authorization process that each department goes through prior to contracting outside consultants and the threshold limits involved. She also questioned Dr. Todd Husty and his role as a Medical Service Director. Fire Chief White responded by explaining that Mr. Husty provides information on licensure and all of the City's paramedics and EMT's operate under his license. He also noted that Dr. Husty is their training house, providing medical oversight, review and approval of clinical policies, practice parameters and protocols and that it is a requirement that the City operates under a Medical Directors license. He also explained that his fee is based on the amount of hours that he or his staff spends with the City's paramedics and EMT's.

c) Commissioner Cooper

1. Analysis of conditional use two step process (previous Commissioners, staff and other municipalities)

Commissioner Cooper asked if the two step process is in the best interest of the City and if it is a good or bad process. She requested that the Commission be provided with an analysis based on the system. There was a request for the Planning Director, along with the City Manager and City Attorney to look into this issue and to provide history for further discussion. This was acknowledged by Mr. Knight.

2. Analysis of lakefront protection codes

Commissioner Cooper asked if the Planning and Zoning Commission could take a look at the lakefront protection codes and provide their analysis. There was a consensus to address this item.

3. Board direction: HPC application packet enhancement

Commissioner Cooper stated that this item was relative to the decision that was made on the Historic Preservation Board. She noted that there is no need to discuss this item since staff has already addressed her concerns.

d) Commissioner McMacken

Commissioner McMacken requested that the City Clerk adjust the projected time on the Consent Agenda to 5 minutes versus 1 minute. He spoke about the length of the next meeting and the need for a break during that meeting.

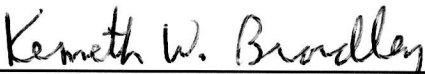
e) Mayor Bradley

Mayor Bradley noted that a letter has been received from the Winter Park Public Library dated July 7, 2010 and asked to waive the reading of the letter into the minutes. He asked that the letter be placed in the minutes and submitted the letter to the City Clerk for permanent record. He noted that they will discuss the item at a later date.

Meeting Adjourned


Motion made by Mayor Bradley to adjourn the meeting; seconded by Commissioner McMacken by acclamation.

The meeting adjourned at 7:37 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham



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The Honorable
Kenneth W. Bradley
Mayor

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MEMORANDUM

TO: ~~Mayor~~ Kenneth Bradley
Commissioner Phil Anderson
Commissioner Carolyn Cooper
Commissioner Beth Dillaha
Commissioner Tom McMacken
Randy Knight, City Manager

FROM: Robert G. Melanson, Director *rgm*

SUBJECT: Library's request for a new or expanded building

DATE: July 7, 2010

I am writing on behalf of the Library Board of Trustees. After a great deal of thought and discussion, the Library suggests cancellation of the Commission work session scheduled for August 2nd. While we continue to believe that a larger facility would enhance our ability to meet the needs of the residents of Winter Park, we recognize that such a project may not be feasible in the current economic climate.

Over the next few years, the Library Board will concentrate on increasing our endowment and other fundraising efforts in order to be better positioned to expand in the future. For now, we will look for creative ways to better utilize the building we have to meet the ever expanding demand for our services and collections.

Please remember that, one of the drawbacks to our current location is a lack of parking and this issue may be negatively impacted as Rollins College develops the property adjacent to us. Accordingly, we ask that the City continue to include in the developer's agreement with Rollins, the use of 20 parking spaces in their garage.

As always, we appreciate the City's continued support of the Library and hope that you will keep in mind our expansion needs as the economy recovers and City and library revenues increase and building projects once again become more viable. Thank you.