

**REGULAR MEETING OF THE CITY COMMISSION**  
**July 26, 2010**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:33 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was given by Reverend Dr. J. Lawrence Cuthill, Winter Park Presbyterian Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley  
Commissioner Phil Anderson (arrived 3:42pm)  
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**

The agenda was approved by acclamation of the City Commission.

**Citizen Budget Comments**

No public input was provided.

**Mayor's Report**

a. Audit Selection Committee Appointments

The City's Charter requires the Commission to establish an Auditor Selection Board consisting of five (5) members. One (1) member of this board shall be a city commissioner appointed by the commission. The remaining four (4) members shall be residents of the city who have the qualifications of electors and are not city employees. This board shall be charged with the responsibility to solicit proposals and to screen and evaluate the proposals received. The Auditor Selection Board shall submit its recommendations to the city commission which shall then select an auditor and award a contract for a term not to exceed three (3) years.

The following residents are qualified to serve on the Auditor Selection Board and have agreed to do so if approved by the City Commission:

Rusty Baldwin, local CPA  
Vernon Edgar, local CPA  
Jim Moye, Chief Deputy Comptroller for Orange County  
Gene Randall, retired accountant from Sprint

**Motion made by Mayor Bradley to nominate the above individuals with the inclusion of Commissioner Cooper; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Bradley and Commissioners Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote (Commissioner Anderson not present).**

Mayor Bradley noted that August 3, 2010 is the National Night Out, a great opportunity for the citizens to learn about crime prevention ideas and what they can do to stand up against crime.

### **City Manager's Report**

City Manager Knight requested to schedule an executive session meeting for Fire and Police Union negotiations for August 2, 2010. It was agreed that this shade meeting commence at 12:00 p.m. and the Commuter Rail Work Session meeting will follow from 1:00 p.m.-2:00 p.m.

City Manager Knight addressed several questions and provided updates pertaining to the sewer impact fee ordinance, board evaluations and the Historic Designation District and noted that he will add these items to his regular report. Public Works Director Troy Attaway addressed the timeframe and preliminary budget for the Lee Road median plan. Assistant City Manager Michelle del Valle addressed the Pro Shop RFQ update.

### **City Attorney's Report**

No items to report

### **Non-Action Items**

a. Financial Report June 2010

Finance Director Wes Hamil provided the financial report for June 2010 and summarized its content. He also addressed several concerns pertaining to bond recommendations, water/sewer funds, the projected sales for the Automatic Meter Reader (AMR), and clarification on the general fund revenues and expenditures.

**Motion made by Commissioner Cooper to accept the report as is; seconded by Commissioner Anderson. The motion carried unanimously with a 5-0 vote.**

### **Consent Agenda**

- a. Approve the minutes of 7/12/10 - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the proposed fee to cover costs related to permit and plan storage and implement starting September 1, 2010 - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- c. Approve RFQ-17-2010, Continuing Professional Engineering Services for Water & Wastewater. Authorize staff to enter into negotiations with the top ranked firm, CH2M Hill - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- d. Approve the assignment of the property at 507/509 S. Capen Avenue to Habitat for Humanity - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- e. Approve Community Center construction management contract - **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

Consent Agenda Item 'a' – Minutes of July 12, 2010

Mayor Bradley requested that page 7 of the minutes pertaining to the signage, reflect that he made an amendment instead of a motion.

**Motion made by Mayor Bradley to approve the minutes as presented with this change; seconded by Commissioner Anderson and carried unanimously with a 5-0 vote.**

Consent Agenda Item 'b' - Approve the proposed fee to cover costs related to permit and plan storage and implement starting September 1, 2010

Mayor Bradley asked for clarification to gain a better understanding regarding the unfunded mandate and if there were other options, other than a fee, that was researched. Building and Code Enforcement Director George Wiggins provided a brief explanation regarding the fee and noted that this is a source of revenue to help pay for the storage and retrieval of plans. He noted that they have currently been funding these services through the general fund and most recently the offsite storage facilities have been exhausted and these documents are being stored at the Public Safety Building which is near full capacity. He asked to create a revenue source to cover costs related to permit documents, scanning and plan storage and that the proposed fee would be included in the building permit fees.

There was a brief overall discussion regarding the overall permitting process and submittal requirements, and the value of complete building permits for the last year. The Commission requested that a cost savings analysis be performed and to obtain a fee for outsourcing this service. No formal action was taken at this time and it was requested that the department bring the item back with more information, along with the analysis evaluation. Mr. Wiggins was asked if we could ask for an electronic version to be submitted in addition to the paper version that is submitted.

Consent Agenda Item 'c' - Approve RFQ-17-2010, Continuing Professional Engineering Services for Water & Wastewater. Authorize staff to enter into negotiations with the top ranked firm, CH2M Hill

Commissioner McMacken asked if staff has looked at hiring more than one firm for services or if they have considered alternating services between two firms. Water and Wastewater Utility Director, David Zusi stated that they could negotiate between two firms and rotate the services to be provided. He explained in detail the process, protocols and procedures to do so and also the pros and cons associated with using two firms.

**Motion made by Commissioner McMacken to negotiate between the top two firms, 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.**

Consent Agenda Item 'd' - Approve the assignment of the property at 507/509 S. Capen Avenue to Habitat for Humanity

Commissioner Cooper addressed the phone calls she received. She asked Planning Director Jeff Briggs if he would explain how they are handling swapping out the lots between the church

and Habitat for Humanity. Mr. Briggs noted that he has met with Reverend Dawkins and the church is hopeful to build a fellowship center on one or both of those lots. He noted that Habitat would work with the church regarding the details of swapping out the property and noted that they are both in agreement to do the swap. There was a brief discussion regarding the timelines associated with this transaction and the assignment of the properties. It was agreed that the City will only assign the property at 507 S. Capen Avenue to Habitat for Humanity and will retain the property at 509 S. Capen Avenue.

Commissioner Cooper explained that these two lots are located contiguous to the Warner Primitive Baptist Church and are located in the right angle of the L shaped Church property and Reverend Dawkins was concerned. Due to location, the Church was hoping that they would be able to obtain those lots for an expansion to their Church at some time in the future. If the property was given to Habitat that opportunity would be lost forever.

Commissioner Cooper voted against this request to give those particular lots to Habitat at this time because she preferred that the City give Habitat one of the other lots they owned on the Westside and hold these lots as long as possible to give the Church an opportunity to identify other alternative lots they could offer Habitat. She stated she is a supporter of Habitat but wanted to offer them different lots.

**Motion made by Commissioner McMacken to approve the assignment of the property at 507 S. Capen Avenue to Habitat for Humanity; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.**

Consent Agenda Item 'e' - Approve Community Center construction management contract

Commissioner McMacken asked Mr. Attaway if the bonus clause was removed. It was noted as yes.

**Motion made by Commissioner Cooper to approve Consent Agenda Item 'e'; seconded by Commissioner Dillaha. 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.**

**Action Items Requiring Discussion:**

- a. Set the tentative millage rate for the FY2011 budget

City Manager Knight stated that this is the adoption of the tentative millage rate and is the rate that will go out on the TRIM notices that are sent out by the Orange County Property Appraiser. Once the tentative millage rate is set, it may not be exceeded unless an extensive notification to property owners is undertaken but the final millage can be lower than the tentative millage without additional notification requirements. He recommended adopting a tentative operating millage rate of 4.0923 mills and the voted debt service millage rate of .1019 and .2394 for the 2004 and 2001 bonds respectively. Mr. Knight answered questions.

Joe Terranova, 700 Melrose Avenue, recommended the approval of the tentative millage for the budget and the bond issues as recommended by the City Manager.

**Motion made by Commissioner Anderson to approve the tentative millage rate of 4.0923 with a voted debt service millage rate of .1019 and .2394; seconded by Mayor Bradley. 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. Edward Byrne Memorial Justice Assistance Grant

Police Chief Railey provided an explanation of the use of the grant. It was noted that this is an effort in their continuing analysis of grants that are available to the agency and the use of the funds will help continue to provide police officers the most advanced and realistic types of training programs.

**Motion made by Commissioner Anderson to approve the grant; seconded by Commissioner McMacken. 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.**

c. State Office Building RFP

Economic Development/CRA Director DeBord provided a brief summary regarding the status of the RFP. She stated that staff is interested in policy direction from the Commission. She noted that there is the option to hold the property until further notice and then offer it again in the future or enter into negotiations with the current bidder. There was a brief question and answer discussion that followed. Both Ms. DeBord and Assistant Director Economic Development/CRA Peter Moore addressed the items of concern brought forward such as net present value analysis, property/land value, lease value, appraisal value, tree canopy evaluation, retention issue, development control, development capacity, and lease agreements.

Mayor Bradley requested that a tree survey be performed to determine the impact of the tree canopy with regard to the number and health of the trees. Ms. DeBord then summarized staff's recommendation which is to allow staff to enter into a lease agreement with Concord Eastridge on the existing building footprint. She recommended that the City retain the rest of the property. This would include entering into a parking easement over the property to ensure there is adequate parking for the square footage in the current building. Staff also requested approval to seek outside expertise to assist in negotiating a ground lease that would be fair to all parties involved. She also noted that the lease negotiations would be quick, not to exceed 60 days. She also asked the Commission to consider adding additional square footage to the existing building footprint.

**Motion made by Commissioner Cooper to move forward to negotiate finalization of this agreement as currently structured ("currently structured" meaning all of the property; our RFP as currently structured). Our staff is authorized to negotiate a more favorable lease term, shorter lease term and a more favorable lease payment. Prior to commencing negotiations, she is very comfortable that staff works with legal, whatever funds you need to do that, to make sure that the terms and conditions that are in this agreement are to the best interest of the City and they may impact the price so she wants to make sure**

**they work with him first and that any best and final offer come back to this Commission for a decision should staff or developer reach an impasse of negotiations; seconded by Commissioner Dillaha for discussion.**

Discussion ensued pertaining to the current motion on the table, along with the pros and cons associated with the terms and conditions listed in the RPF proposal submitted by Concord Eastridge.

Craig Starkey, Concord Eastridge, 401 West Colonial Drive stated that they are 110% interested in working with the City. He stated that they have a Memorandum of Understanding (MOU) with RLF Architects even though they have not signed a lease. He also explained the land lease analysis and how he arrived at the market values presented. Mr. Starkey also stated that they have researched the drainage issue and they think they can work it underneath the parking lot. He also noted that they submitted a letter to the City's Purchasing Department regarding a follow-up to their public presentation on July 19, 2010 (see copy attached) which listed additional requested information. He answered several questions posed by the Commission.

**Commissioner Cooper withdrew her current motion on the table.**

**Motion made by Commissioner Cooper to move forward to negotiate finalization of this agreement on the 5 acres of property with entitlements for the city to redevelop and have the staff look at the lease value and the other terms that we have discussed as a Commission today and that impasse come back to this Commission; seconded by Commissioner Dillaha.**

Mayor Bradley asked Commissioner Cooper to explain what she means by the 5 acres versus holding back real estate development. Commissioner Cooper explained that the lease that was discussed is for the 5 acre parcel and the City retains the right to exercise development rights on the portion of the allowable buildable property for the 45% FAR that they are not utilizing. There was further discussion regarding the clarification of this motion and also how it relates to staff's recommendation.

Rick Frazee, 1921 Englewood Road, stated that it is a good project and would like the Commission to approve and move forward so they have a lease.

Joe Terranova, 700 Melrose Avenue, asked the Commission to adopt staff's recommendation to proceed.

**Upon a roll call vote, Mayor Bradley and Commissioners Anderson and McMacken voted no. Commissioners Dillaha and Cooper voted yes. The motion failed with a 3-2 vote.**

**Motion made by Commissioner Anderson to proceed with staff's recommendation and see what kind of a transaction they can negotiate; seconded by Commissioner McMacken.**

**Upon a roll call vote, Mayor Bradley voted no. Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried with a 4-1 vote.**

A recess was taken from 5:43 p.m. to 6:01 p.m.

d. Fleet Peoples Park Multi-Use Trail Project alignment to connect and complete the Lake Baldwin Multi Use Trail

Commissioner Dillaha requested that the final trail alignment be brought forward to finalize the issue and for Commission discussion. Her three main concerns were: This item did not come back to the Commission; it did not go to the Parks Board but it did go to the Bicycle and Pedestrian Board and there are different options for how the trail meanders around or through the park.

Both City Manager Knight and Parks and Recreation Director John Holland addressed the Commission by explaining that in late 2007, the City began developing plans to construct a multiuse trail within the Fleet Peoples Park boundaries to connect to and complete the multi use existing trail around the rest of the Lake. Extensive discussion and planning has been performed, resulting in a new trailway alignment along the perimeter of the park and approval for matching grant funds in March 2008. When that grant application was not awarded, City staff then submitted the proposed trail for grant funding from various sources beginning in March 2009 using the April 14, 2008, adopted master plan alignment along the perimeter of the park. On July 13, 2009, the latest master plan was adopted for the park, again showing the trail aligned along the Lakemont Avenue and Glenridge roadway borders of the park. Discussion ensued regarding the placement and location of the path, the fencing and the overall process that was and was not performed. During the discussion, Commissioner McMacken presented several photos of the July 2009 approved site plans showing the overall layout and the location of the path and trails.

**Motion made by Commissioner Dillaha to suspend going forward for two to three weeks until such time as the Commission can actually see a detailed plan as to where it is going to go, that the Parks Board has also had an opportunity to see what this is and to see how it impacts other uses in the park, and go through the process and go from there; seconded by Commissioner McMacken.**

Joseph Brock, 2341 Randall Road, reminded everyone that this plan for the trail was approved by the City Commission last year and that he is really dismayed that this issue is resurfacing.

Bonnie Jackson, 3009 Temple Trail, shared the history of the approval process and the conditions that were set on the conceptual plan.

Kim Allen, 271 Virginia Drive, shared her concerns with the trail location, the design, the compatible use and the overall components of the plan.

Herb Weiss, 521 Virginia Drive, stated that the final plan should have come to the Parks and Recreation Board and requested that this be done.

Rick Frazee, 1921 Englewood Road, asked the Commission to let the program go on this evening and noted that the current plan presented was approved and needs to be implemented.

Janet Atkins, 1060 McKean Circle, shared her concerns about bringing this issue back by noting that while serving two terms on the Parks Board this item was brought before them twice and it was approved that the trail would go around the perimeter of the park as shown on both plans.

Pat Fishback, 180 Chelton Circle noted that during this difficult economy the Friends of Fleet Peeples has raised at least \$45,000 this year and reminded the two new Commissioners about agreeing during the election time to give Fleet Peeples an extension on the \$100,000 that they were supposed to raise from donors.

Charles Namey, 1060 McKean Circle, stated that they should deny the motion and move forward with the approved plan.

John Fishback, 180 Chelton Circle, stated that this is a public ambush, the plan was approved twice and the correct protocol would have been for the Commission to meet with the Friends of Fleet Peeples. He noted that even though they have not raised the \$100,000 he encouraged the Commission to meet with them privately to discuss this item.

Sally Flynn, 1400 Highland Road asked the citizens to please act like civil people.

Joe Terranova, 700 Melrose Avenue, stated that the plan was approved last year, it is a good plan and to let staff do their job so they can move forward.

Commissioner Dillaha stated that they should have a discussion with Friends Groups and Fleet Peeples Park and revisit this issue; she is in favor of suspending this issue for a couple of weeks to allow them to review the item with all parties involved.

There was an overall discussion regarding the boundaries of the project, the scope of the plan and the services that would be included using the grant money. Mr. Holland stated that as part of the master plan that was approved, the fence along Glenridge will be moved in 100' from the street and then the trail will be field engineered around trees to avoid any specimens on the outside of the fence. It was also noted that the removal of sidewalks and selective clearing is included in the \$88,000 grant money and the labor cost of moving the fence is to be paid for by the City and will be done in-house. After a long debate, the Commission was asked to vote on the motion which would be to suspend the current trail at this point for two weeks.

**Upon a roll call vote, Mayor Bradley and Commissioners Anderson and Cooper voted no. Commissioners Dillaha and McMacken voted yes. The motion failed with a 3-2 vote.**

**Public Hearings:**

- a. Ordinance-Prohibiting on or off leash animals in specific City parks, park areas and City facilities; permitting off leash animals in a specific area during specified hours

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, PROHIBITING ON OR OFF LEASH ANIMALS IN SPECIFIC CITY PARKS, PARK AREAS AND CITY FACILITIES; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PERMITTING OFF LEASH ANIMALS IN A SPECIFIC AREA DURING SPECIFIED HOURS; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner Dillaha to accept the ordinance on first reading as presented in the package, seconded by Commissioner Cooper for discussion.**



The draft ordinance provided in the package and the redline ordinance provided by the City Attorney today was addressed. Attorney Brown clarified that the relined version provided today was to clarify wording, to put things in a better order and that the changes are appropriate for second reading. Questions were brought forth by the Commissioners for clarification purposes.

Commissioner Dillaha stated she wanted to hear from some of the Parks Board members present to explain their rationale for the recommendations brought forward from the Board and to ask them questions. There was not a consensus of the majority of the Commission to do so. Commissioner McMacken recommended that the Parks and Recreation Commission Chairman be the spokesperson to represent the Board as opposed to individual Board members.

Upon comments by Commissioner Anderson and questions regarding clarification of the enforcement powers as provided in paragraphs "c, e, f and g", the **motion was amended by Commissioner Anderson to strike all provisions that are changes except for paragraphs c, e, f and g (enforcement powers) so that we see if we enhance enforcement powers and apply it to our existing rules if that doesn't mitigate some of these existing issues; seconded by Mayor Bradley for discussion.**

Commissioner Dillaha asked again that Board Chairman Mr. Culpepper address the Commission regarding the Board's rationale for this item being before the Commission.

Blair Culpepper, Chairman of Parks and Recreation Commission, stated everyone agrees that the City should be dog/animal friendly. He explained their rationale that dogs should be on leashes at Dinky Dock going from vehicle to boat because of the picnic areas and children, they believed that Mead Gardens is a wildlife area and that wildlife could attack dogs if running free, and that Kraft Azalea Gardens has lots of birds on the lake and wildlife was their rationale. Commissioner Dillaha asked Mr. Culpepper regarding the enforcement of the ordinance. The current enforcement was further addressed.

Ron Livingston, 664 Osceola Avenue, asked to keep the current laws in place and to enforce the current laws.

Herb Weiss, 541 Virginia Drive, Parks Board member, addressed the need to change the ordinance to have police powers for enforcement capabilities. He agreed with not allowing dogs in Mead Gardens because it is a bird and nature sanctuary. He stated that the non-dog parks that are part of the ordinance should stand as is.

Kim Allen, 271 Virginia Drive, spoke about land use and the allocation of resources and compatibility. She spoke about the Mead Garden deeds and the obligation of the City that this remains a botanical garden. She spoke against allowing dogs in Mead Gardens.

Bonnie Jackson, 3009 Temple Trail, Parks and Recreation Commission Vice Chairman, spoke in favor of the ordinance. She asked the Commission to look at the comprehensive plan regarding designated conservation areas before making a decision. She addressed the importance of enforcing the ordinance.

Rebecca Eagan, 1311 Palmer Avenue, supported the updated ordinance to protect and to sustain the conservation areas. She provided petitions to support the animal ordinance.

Rick Frazee, 1921 Englewood Road, spoke about the enforcement problems with the ordinance and the need to enforce the current ordinance. He addressed the need for good community standards for care of your dog and walking your dog as well as picking up after your animal and to keep their animals on a leash.

Joseph Brock, 2341 Randall Road, addressed Commissioner Anderson's motion and asked to leave in the language eliminating the 10-4 rule at Fleet Peoples Park. He spoke about the importance of allowing dogs in the parks.

Nan McCormick, 1310 Chichester Street, spoke in favor of the ordinance allowing dogs in Mead Gardens.

Brian Wettstein, 329 Park Avenue North, The Doggie Door store owner, opposed the dog ordinance and the portion that dogs are not allowed in the downtown whenever there is a street closure. He spoke about how this will impact the two events he hosts each year, the Doggie Art Festival and the Pet Costume Contest. He submitted over 1,800 signatures to allow these dog events.

Bill Sullivan, 1362 Richmond Road, spoke in support of the second amendment put into the ordinance this evening for the enforcement of the current ordinance. He asked that the proposed ordinance not be considered. He pledged to the City to donate one poop dispenser at Dinky Dock.

Rosan Calabello, 919 Mead Avenue, spoke in favor of leashed dogs in Mead Gardens.

Joe Terranova, 700 Melrose Avenue, spoke about the quality of life and Winter Park being a dog friendly city and that the ordinance in place is sufficient to encourage citizens to use parks and streets.

John T. Frankenberger, 505 North Park Avenue North, Brandywine Restaurant owner, spoke against the ordinance not allowing dogs in the parks. He supported The Doggie Door's events.

Jamie Gaines, 1255 Dorchester Street, supported dogs in Mead Gardens and other parks in the City. She addressed the need to enforce the laws.

Robert Blackwell, 917 Garden Drive, spoke in support of dogs in Mead Gardens and the need to enforce the laws. He stated there is little interaction between birds and dogs in Mead Gardens.

Commissioner Dillaha spoke about the Parks Board recommendations regarding the three specific parks not allowing animals. She addressed Dinky Dock, Mead Gardens and Kraft Azalea Gardens and where animals are currently allowed to go. She commented against allowing dogs at Dinky Dock (but allowed to go with the owner on their boat). She addressed both Mead Gardens and Kraft Azalea Gardens being conservation wildlife areas and dogs are usually not compatible in this type of environment. She stated she was not looking to prohibit dogs from all parks and summarized areas of the comprehensive plan regarding conservation areas and wildlife issues.

Commissioner Cooper asked Attorney Brown how they can enforce their animal ordinances. She stated she does not want to restrict leashed dogs from Mead Gardens or from Kraft Azalea

Gardens. She agreed with what is proposed for Dinky Dock because it is so small. She wanted to find a way to address the conservation issues because she holds the comprehensive plan dear and trying to protect listed species of endangered birds or plant life is important to her. She suggested adding language to the code that says "when it is deemed advisable by the Director of Parks and Recreation, domestic animals may be periodically restricted from environmentally sensitive wetlands and conservation areas to protect waterways or listed species of wildlife or plants."

She commented that she is mostly interested in enforcement and believed the Parks Department and Police Department should be enforcing the ordinance. Attorney Brown provided legal advice and options for enforcement. He suggested establishing a division of code enforcement by ordinance similar to the animal control division of the county. There was an overall discussion regarding the pros and cons of the ordinance and the enforcement process.

Commissioner McMacken suggested adopting staff's recommendations (that the ordinance prohibit animals from any streets adjacent to Central Park that are closed as part of a Central Park Special Event only (Spring Sidewalk Art Festival, Autumn Art Festival, Concours D'Elegance, etc.). Staff did not recommend restricting dogs from Mead Gardens and Kraft Gardens because dog walking in these parks is a normal recreational benefit to the local residents. Staff has not received nor been able to document evidence that dogs on leashes are negatively impacting these parks.

**Upon a roll call vote on the amendment, Mayor Bradley and Commissioner Anderson voted yes. Commissioners Dillaha, Cooper and McMacken voted no. The amendment failed with a 3-2 vote.**

**Upon a roll call on the original motion, Mayor Bradley and Commissioners Anderson, Cooper and McMacken voted no. Commissioner Dillaha voted yes. The motion failed with a 4-1 vote.**

A recess was taken from 8:10 p.m. to 8:25 p.m.

After the recess, Commissioner McMacken stated he believes he has the option to bring forth another motion since the other motion failed. There was a clarification by Attorney Brown about bringing this item forth even though the ordinance failed as presented and the procedures to do so.

Upon discussion, a **motion was made by Commissioner McMacken accept the ordinance on first reading with staff's recommendations.** Mayor Bradley commented that this should be brought back up under New Business if there are Commissioners that want to consider a different ordinance than was presented. He expressed concerns with voting on another ordinance this evening since the ordinance was already voted down and many citizens have left the meeting. Attorney Brown addressed staff's recommendation that is different from the ordinance in the agenda package. He stated that the changes being proposed by staff could be adopted on first reading this evening. There was clarification that this will be discussed under New Business as to how to proceed.

b. Ordinance-Requiring a Local Code of Ethics

ORDINANCE NO. 2818-10: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, REQUIRING A LOCAL CODE OF ETHICS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner Anderson to adopt the ordinance; seconded by Mayor Bradley.**

Commissioner Cooper expressed her disappointment with the ordinance. She stated that the citizens of Winter Park voted to change our Charter to require enactment of an ethics ordinance and that she believed that they rightfully expected something more meaningful than an ordinance stating we will comply with state ethics laws that we already comply with and a commitment to periodic ethics education. She stated that the City should be held to a higher standard of ethics and should have transparency in our campaign contributions and full disclosure of business relationships between staff and public officials and those requesting zoning or comprehensive plan changes. She stated she will vote in favor of the ordinance because it is a small step in the right direction and encouraged the Ethics Board to stay close to ongoing legislative issues and seek a way to strengthen the ordinance.

Commissioner Dillaha agreed that the Ethics Board address these issues and that the ordinance should be strengthened. Commissioner Cooper asked that this ordinance be adopted and then address in a work session what the Commission would like the Ethics Board to further pursue.

Marti Miller, 1399 Aloma Avenue, spoke about the lack of power of the Ethics Board and asked that they give them some power once they are asked to review this to take further steps.

Kim Allen, 271 Virginia Drive, addressed using the Ethics Commission as a political tool to embarrass candidates prior to an election that had no basis for the violation.

**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.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE," ARTICLE VI, "SUBDIVISION REGULATIONS" SO AS RENAME SAID ARTICLE VI AS THE "SUBDIVISION AND LOT CONSOLIDATION REGULATIONS"; ADDING NEW DEFINITIONS TO SECTION 58-371 "DEFINITIONS"; AMENDING SECTION 58-377, "CONFORMANCE TO THE COMPREHENSIVE PLAN" TO INCORPORATE POLICY DIRECTION FROM THE COMPREHENSIVE PLAN AND ADDING A NEW SECTION 58-392 "LOT CONSOLIDATIONS" TO ESTABLISH REQUIREMENTS FOR THE REVIEW AND APPROVAL OF LOT CONSOLIDATIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE. First Reading

Tabled to August 9, 2010 meeting

### **City Commission Reports**

a) Commissioner Anderson

Commissioner Anderson commented on the Fleet Peeples and dog ordinance issue that is going to be brought back for discussion. He stated that there may be areas of Mead Gardens which should be protected and considered. He stated he is looking forward to participating in the upcoming meeting regarding the budget items and the pension issues.

b) Commissioner Dillaha

Commissioner Dillaha spoke about the Conservation Element Policies related to the conservation areas and mentioned Mead Gardens and Kraft Azalea. She wanted to see those policies be part of the agenda and that staff reports include applicable comprehensive plan policy decisions that are to be made to help with the overall review process. She noted that in the Conservation Element under Wildlife Habitat, it states that they will review and evaluate the City's Land Development Code for sufficient standards addressing protection or relocation of endangered or threatened species. It specifically mentions Mead Garden.

There was also a discussion about the Boards that are involved in conservation issues such as Environmental Review, Lakes and Waterways, Parks and Recreation and Tree Preservation. She suggested that when the Fleet Peeples and the dog ordinance comes back to the Commission that they set some direction in the ordinance that states within the next six months those boards will take on the initiative to review and evaluate the City code for sufficient standards to protect endangered and threatened species in Kraft and Mead Gardens.

Commissioner Dillaha also spoke about two charter questions to be brought forward. She wanted to discuss the pros and cons of staggering elections or addressing term limits. A short discussion followed regarding the process and timing for staggering the elections. She also mentioned that she would like to discuss having the Commission, collectively with staff, nominate and appoint individuals to the City Boards.

### **Rollins College Master Plan**

Commissioner Dillaha asked about the property that Rollins College acquired on Fairbanks Avenue, and the policies in the comprehensive plan and land uses for education and institutional facilities. She referenced the two different policies, and asked if Rollins College would have to come to the City for a conditional use request to use the commercial zone property for educational purposes. She asked if the Commission does not want to see more commercial property on some of the major corridors coming off of the tax rolls, if the City can say that commercial zones on Fairbanks or in any other areas of the City with conditional uses for uses that would take the property off the tax roll shall not be considered or allowed. There was a consensus of three for Attorney Brown to provide a briefing on this issue and provide a report at the next meeting. She also spoke about the redevelopment of Rollins College and questioned the process for approving master plans according to the policy in place. Attorney Brown stated that he will look at these issues and report back to the Commission at the next meeting.

c) Commissioner Cooper

Commissioner Cooper stated that as previously discussed regarding specific areas of parks and specific times, that it may be appropriate and deemed advisable to have domestic animals periodically restricted. The language that she presented during the discussions today tried to address when she said that the Director of Parks and Recreation may periodically restrict domestic animals from environmentally sensitive wetlands and conservation areas to protect waterways or listed species. Both of those are defined terms, so the conservation area does include Mead Gardens and Howell Branch and that is where she was trying to go with that language. She stated that if they are going to allow leashed dogs in Mead Gardens and Kraft Azalea Gardens, which she is very much in favor of, then she hoped they would have some language there to protect the times when that could happen.

1. Establishment of a Budget Task Force to recommend cost savings

Commissioner Cooper asked if it would be helpful and feasible to have citizens review the budget, if there are other cities that have such a board and what they do. Mayor Bradley noted that they will bring this item forth as a governance item.

2. Establishment of Pension Review Task Force to analyze the market and make policy recommendations to control growth of unfunded liability associated with pensions

Commissioner Cooper requested that they possibly put together a task force of CPA's and auditors to review and provide a clear definition of tasks and responsibilities between the different boards and the people that they are hiring to support those boards to understand who is doing what. She stated that her objective is to get recommendations for improvements to the City's policies and procedures, in accordance with the best practices in the industry. Mayor Bradley asked if the pension boards could look at these items. Mr. Knight noted that this item is on the August 12 meeting agenda.

3. Community forum on proposed Transportation Improvement Plan

Commissioner Cooper asked if the particular details of the plan can be presented to the citizens. There was a consensus of three for staff to schedule this item.

d) Commissioner McMacken

Fleet Peoples Park

Commissioner McMacken asked to bring a work session forward regarding all Friends Groups, what they are, what they do, discuss their best functions and the funding of their cause. It was noted to list this as a non-action item on the agenda for the August 23, 2010 meeting. It was agreed that the Commission submit their questions to Mr. Knight so that he can direct staff to prepare responses on the particular issues. Mayor Bradley requested that Mr. Knight forward an email with a submission deadline to the Commissioners reminding them to submit their questions.

Commissioner McMacken requested that the dog ordinance be brought forward with the staff's recommendations. It was also mentioned to possibly form a sub-committee to discuss the

environmental concerns relating to the ordinance and the comprehensive plan goals. There was a consensus of three to bring forth the dog ordinance item and place it on the next meeting agenda.

e) Mayor Bradley

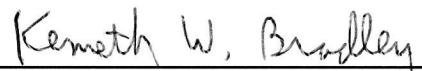
Mayor Bradley noted as they go forward with the budget, that it is important as part of the process to talk about goals and what they would like to accomplish. He noted that those goals need to be addressed in the next work session meeting. He also stated that the process that has been established asks everyone to submit their budget changes by August 9, 2010 so they can provide direction to City Manager Knight.

Mayor Bradley stated that he is personally disappointed about the historical designation and requests that, if possible, a consultant recommendation come back to the City so they can determine if the historical designation is even feasible or possible and if so, what needs to be changed. Discussion ensued as to the overall process, and if the Historical Preservation Board or the outside consultant will be handling the issue. Mr. Knight noted that he will confirm and report back.

**Meeting Adjourned**

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

The meeting adjourned at 9:44 p.m.



\_\_\_\_\_  
Mayor Kenneth W. Bradley

ATTEST:



\_\_\_\_\_  
City Clerk Cynthia S. Bonham

# RLF

architecture | engineering | interiors

July 22, 2010

Mr. Craig Starkey  
Vice President/Development  
Concord Eastridge  
401 W. Colonial Drive, Suite 2  
Orlando, FL 32804

Re: Available Lease Property in Winter Park

Dear Craig,

This letter is in response to the question about suitable Lease Properties available to RLF in Winter Park, of at least 30,000 SF.

RLF has concluded, after diligent search, and in consultation over the last couple of years with a Corporate Real Estate Advisor, that our current space at 145 Lincoln Avenue cannot be enlarged to suit our needs, and after exhaustive effort that no space meeting the needs of our Corporate Headquarters exists in Winter Park. We have located space outside of Winter Park that meets our criteria, but it is our overwhelming desire to remain in our City. When RLF became aware of the property at 941 Morse Boulevard, we spent countless hours working on ways to consolidate RLF Headquarters in a single redesigned building and provide a desirable income producing asset to the City of Winter Park.

In summary, RLF has concluded after much painstaking work, that we have only one desirable option in Winter Park.

Sincerely,



Ronald W. Lowry, AIA, NCARB  
Chairman of the Board



# CONCORD EATRIDGE

*Via Electronic Mail*

adurum@cityofwinterpark.org

July 22, 2010

Mr. Anthony Durrum  
City of Winter Park  
Purchasing Agent  
401 Park Avenue South  
Winter Park, Florida 32789

Re: RFP Response to Lease and Renovate the Dan McCarty Building

Dear Mr. Durrum:

In follow-up to our Team's public presentation to the City of Winter City on Monday, July 19<sup>th</sup> regarding the above-referenced proposal, Concord Eastridge ("CEI") hereby submits certain additional information as requested by the Mayor and Commissioners, as well as other related information offered for purposes of clarification:

**1) Examples of projects recently developed by CEI and its affiliated entities:**

- Eagle Village, University of Mary Washington, Fredericksburg, VA: \$76 million mixed-use project including 624-bed student housing, 30,000 sf retail, 36,000 sf Class A office space, and a 540-car parking structure.
- The Mason Inn, George Mason University, Fairfax, VA: \$50 million 149-key hotel, 25,000 sf conference center with partial underground parking, plus the creation of a \$3 million new road into the campus.
- Grande Lakes Resort, Orlando, FL: Served as owner's representative; \$585 million, 1000-key JW Marriott and 586-key Ritz Carlton Hotel.
- Highmark Resort, Steamboat Springs, CO: \$32 million, 25-unit luxury condominium building plus amenities.
- Inderkum High School at Natomas Town Center, Sacramento, CA: a 40-acre built-to-suit regional high school campus for 2,000 students, overall project cost of \$70 million.

## CONCORD EASTRIDGE

- Rosa Parks Learning Center, North Hills, CA: \$31 million total project cost, housing a 1,000 student enrollment.
- Maurice Sendak Elementary School and Campus, North Hollywood, CA: \$41 million total project cost housing 875 students

### **2) Sample commercial buildings renovated by CEI and its affiliated entities:**

- Northrop Grumman Building at NetCenter, Hampton, VA: \$10 million renovation of 116,000 sf 2-story former department store, transformed into a Class A office building for Northrop Grumman's use.
- Hamilton Square, 1401 F Street, NW, Washington, DC: \$55 million renovation of 246,000 sf former 9-story department store into a Class A office building.
- 914 F Street, NW, Washington, DC: \$5 million renovation of 30,000 sf 100-year old office building for the occupancy by American Immigration Lawyers Association.
- One Washington Circle, George Washington University, Washington, DC: \$10 million renovation of former apartment building into a university-sponsored hotel (151 keys).
- Hotel Thayer, on the grounds of the U.S. Military Academy at West Point, NY: \$32 million renovation of 125-room historic hotel.
- Marriott Wardman Hotel, Washington, DC: \$33 million renovation of public areas of Washington's largest convention hotel.
- 5685 N. Scottsdale Road, Scottsdale, AZ: \$3 million 11,000 sf shell building, renovated to house three commercial office suites. This property is currently owned by CEI principals and Concord Eastridge, Inc. is one of the tenants in the building.

### **3) Properties in Central Florida currently owned by CEI and its affiliated entities:**

- 140-170 E. Washington Street on Lake Eola in downtown Orlando, entitled for a 260-key full service hotel.
- 11 acres on Lake Eve near Disney in Orange County, approved for 132 residential units, horizontal infrastructure in place.
- 1.4 acres fronting on the Atlantic Ocean in Daytona Beach Shores, cleared and designed for 80 residential units in a 10-story structure.
- Westland Marina, Titusville: 96-wet slip operating marina, designed to develop 124 residential units on the uplands land parcel.

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- Elena-By-The-Sea, Ormond by the Sea: 27 single family residential lots, designed and approved.

**4) Partial list of office buildings previously owned (in partnership) by CEI, its principals, and/or its affiliated entities:**

- 1900 K Street in Washington, DC.
- 1150 18<sup>th</sup> Street in Washington, DC.
- Commerce Executive Park I, II, and III in Reston, VA.
- Centennial Business Park IV, V, and VI in Reston, VA.
- Offices at NetCenter, Hampton, VA.
- Plaza 1900, Tysons Corner, VA.
- 5090 Building, Phoenix, AZ.
- Phoenix Plaza, Phoenix, AZ.
- Albuquerque Plaza, Albuquerque, NM.

**5) Examples of ground leases entered into by CEI, its principals and/or its affiliated entities:**

- The L Building, Raleigh, NC. Planned 110,000 sf 7-story office building. Ground lessor – Wake County; 65-year term; \$5,000/yr. ground rent through construction completion, then 7% of appraised land value with right to purchase fee title for \$400,000.
- UNLV Hotel and Conference Center, Las Vegas, NV. Planned 200-key hotel with 20,000 sf conference center and structured parking. Ground lessor – UNLV. 65-year term plus renewal options; \$100,000 for first four years following completion, then \$200,000 for next six years. Participation is 3% of gross revenues exceeding \$18 million annually.
- NC State Conference Center Hotel, Raleigh, NC: Planned 255-key hotel with 28,000 sf conference center. Lessor – NC State. 65-year term with renewal options, 7.5% of negotiated land value.
- Arlington Courthouse Hotel, Arlington, VA: Planned 324-key hotel. Ground lessor – Arlington County. 65-year term plus renewal options, \$200,000/yr., adjusted every five years by CPI, not to exceed 3% per year, subordinated to first mortgage and 12% return on equity to investors.
- Burke Shopping Center, Springfield, VA: 120,000 sf neighborhood retail center. Ground lessor – private landowner. 65-year term plus renewal options, 6% of appraised value; appraisals performed every

## CONCORD EATRIDGE

five years to reestablish ground rent, not to exceed 10% rental increase in ground rent.

### **6) New projects under development by CEI and its affiliated entities:**

- National Institute of Aeronautics, Hampton, VA: \$10 million 60,000 sf 3-story build-to-suit office/lab building under final design; with construction completion late 2011.
- UNLV Hotel and Conference Center, Las Vegas, NV: \$60 million 200-key hotel with 20,000 sf conference center and structured parking on UNLV's main campus.
- L Building, Raleigh, NC: \$28 million 110,000 sf office building, subject to a ground lease with Wake County, in downtown Raleigh, NC.
- NCSU Centennial Campus Hotel and Conference Center, Raleigh, NC. \$48.4 million 255-key, 28,000 sf conference center located on Lake Raleigh on NC State's Centennial Campus.
- UNC – Wilmington Hotel and Office Building, Wilmington, NC: \$50 million 150-key hotel and 20,000 sf continuing education and administrative office building on UNCW's main campus.

It should be noted that some of the projects identified above were completed by predecessor entities: Concord Companies, LLC and The Eastridge Companies, LLC; companies whose operations date back to 1995 and 1996 respectively and/or completed by CEI's principals. In some cases, CEI and its affiliated entities served as a "fee" developer for a few of these projects while others were completed for our own account. In some instances, our roles were as the owner's representative or joint venture partner.

As a point of clarification, CEI and its principals have no pre-established investment criteria relative to the duration of ownership for owned assets. Historically, we have taken both short term and long term ownership positions in properties, and the decision to divest an asset is a function of market conditions and then-current valuations.

Also attached is a clarifying letter from RLF that makes it clear that, after a comprehensive search, there are no suitable blocks of existing office space in the City of Winter Park that can accommodate RLF's immediate and future growth needs.

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## CONCORD EATRIDGE

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If the City of Winter Park has any further questions, please do not hesitate to ask or visit our website ( [www.concordeastridge.com](http://www.concordeastridge.com) ). We believe that our proposal response has strong merit and genuine benefits to the City, and we look forward to entering into lease negotiations to address the details to form a long-term, economically viable relationship for the mutual benefit of the parties. We hope that the additional information submitted herein serves to provide a better understanding of our RFP response.

Very truly yours,



R. Jettory Arnold  
President

Attachment

cc: Susan Eastridge, Craig Starkey, Mike Haller, Carl Adams