

CITY COMMISSION WORK SESSION MINUTES
September 22, 2008

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 2:00 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Karen Diebel

Also present:

City Manager Randy Knight
City Attorney Trippe Cheek
City Clerk Cynthia Bonham
Deputy City Clerk Nancy McLean

Commuter Rail discussion

Mayor Strong outlined the frame work of the discussion. He commented their principal concerns were the financial obligations of the City and that Commissioner Dillaha requested the work session. He asked Attorney Cheek to address certain issues.

Commissioner Dillaha clarified that her goal is not to derail commuter rail but is about being a good financial steward of the citizens. She spoke about her concerns on the way the agreement is written, the impact of Amendment 1 on the commuter rail project and the need to tighten the budget. She expressed wanting to examine the long term financial implications of the current commuter rail agreement and take advantage of the window of opportunity she believed they have to revisit the terms of the agreement with Orange County. She addressed: 1) FTA letter to FDOT regarding issues with interlocal agreements that will require revisions to existing terms; 2) no caps or limits on our annual operating costs; 3) the station costs are \$4.36 million; 4) City to pay fair share of Orange County's costs per 2005 resolution and; 5) double taxation. She also believed they should explore our exposure to liability for rail accidents; the constitutionality of paying off a bond with public money to fund a private use and; the commitment of ad valorem revenue for more than 24 months without taking it to the voters. She reiterated that the facts presented demonstrate the need to revisit the agreement and not derail commuter rail but to make it financially and fiscally responsible.

Commissioner Anderson thanked Commissioner Dillaha for studying this issue and bringing up these topics. He agreed that the purpose was not about trying to derail commuter rail but rather to make sure the City has the option to opt out of this agreement if an alternative funding source does not exist and if they choose not to opt out they have a budget that can accommodate the costs. He also believed it was about how much they want to commit toward the project at the present time either in design services or with construction of the station. He commented that the City should have a great station and commensurate that with the City's position in the community.

Attorney Cheek spoke about where things stand which included a revised interlocal agreement between the City and Orange County that was approved on August 27, 2007. He commented that it incorporates three other agreements that we are not a party to. He stated that under the agreement the City reached with the County we are obligated and bound pursuant to the language to pay certain costs that the County has. He indicated that if there was a way to renegotiate to save the City money he would agree to that but at the present he did not believe

they were there. Attorney Cheek addressed Commissioner Dillaha's concerns and answered questions.

Harold Barley, Executive Director of MetroPlan, spoke about the dedicated funding sources and perspective funding opportunities. He discussed the funding split between Orange County and the cities as unique and expressed the neighboring counties are assuming the full responsibility for those costs. He stated that Orange County has chosen not to tax themselves to the extent that the neighboring counties have, therefore, the deal is different and explained what that meant for the future of Orange County, the City of Winter Park and the neighboring jurisdictions. Mr. Barley answered questions.

Jim Harrison, Orange County, gave an internal perspective from Orange County on the pursuit of a dedicated funding source for transit, commuter rail, Lynx and others. He stated that Orange County staff has spent a great deal of time on this and it is something their elected officials have expressed a commitment to. Commissioner Diebel asked if Winter Park opts out if Orange County will renegotiate the agreement. He stated from a staff stand point they would not recommend renegotiation. Mr. Knight answered further questions posed by the Commission.

Commissioner Bridges spoke about Commissioner Dillaha's presentation and stated that this was not a matter of derailing commuter rail but rather an intensive review of the costs. She commented that she wanted to continue this discussion and receive clarification because of concerns about FTA's letter, our ability to determine some of our land use, and double taxation.

Commissioner Diebel gave a power point presentation titled "Commuter Rail: Report to Address the Will of Winter Park Voters, Commuter Rail Costs and Benefits and Dedicated Funding Sources." She spoke about the commuter rail referendum, Winter Park voters have spoken, and their job to listen to the voters. She disputed figures and claims made by Commissioner Dillaha not trusting the Task Force, staff, the County, Commissioners and others involved in the project and her claim regarding the current situation that commuter rail station costs and O&M costs are escalating; the claim that the agreement with Orange County double taxes Winter Park residents; FDOT operating costs do not reflect industry experience and; City expenses growing faster than revenue and steward of taxpayer dollars. She also discussed the terms of the Winter Park/Orange County agreement, the claim by Commissioner Dillaha that we can renegotiate with Orange County who has stated they are not renegotiating, and the costs to terminate the agreement. Commissioner Diebel outlined her solutions to this matter. There was no further discussion.

The meeting adjourned at 3:30 p.m.



Cynthia S. Bonham, City Clerk