

CITY COMMISSION WORK SESSION MINUTES
October 14, 2008

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 1:00 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

Also present:

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

Absent:

Commissioner Karen Diebel

Commuter Rail discussion

Mayor Strong commented that an information packet was provided by Commissioner Dillaha regarding commuter rail. He stated he wanted to hear from the Commissioners about what to do going forward. City Manager Knight added the Commission was also provided with the 60% design of the commuter rail stop.

Commissioner Dillaha addressed what was included in the packet: 1) Letter from Commissioner Bill Segal to Board of Commissioners; 2) Letter from MetroPlan to Governor Crist; 3) Copy of an e-mail from Orange County to Don Marcotte regarding an increase in O&M costs last year (illustrates "no cap"); 4) Federal Transit Administration (FTA) e-mail stating funding not approved/included in President's Budget by July 31, 2008; and an attachment letter from the FTA to Florida Department of Transportation (FDOT) articulating issues to address prior to being considered for funding grant for CFCR system.

She commented that this was important to look at because they are facing tight budget constraints in future years and wanted to understand our terms with commuter rail, what the liabilities might be and what they need to budget. She stated her idea was that as a Commission they recognize our economic times have changed since the agreement was signed and they may have a window of opportunity to renegotiate some terms they have concerns with. She hoped they could meet with Orange County officials and work on those concerns. Commissioner Dillaha emphasized this being primarily financial and wanted to discuss the term of the agreement (99 year term); review the termination and opt out clauses and the cost of the station.

City Attorney Cheek explained they were asked to sign a revised interlocal agreement between the City and the County. He stated it incorporates by reference the master interlocal agreement and there was discussion between the City and the County at that time about the City not being willing to sign the agreement until there was a commitment that the master interlocal was in final form. He commented that the City agreed to the revised interlocal agreement with the version of the master interlocal agreement that existed at the time they voted and said yes. His views were that if there is going to be a change in the master interlocal agreement we are not necessarily bound by that because we did not agree to it. He added there was no change to the Orange County/Winter Park agreement. Attorney Cheek answered questions.

Commissioner Dillaha's approach was to recognize the components of the agreement that are not in the best interest of City taxpayers which is a cause for future concerns. She commented that as a group they should identify those concerns and try to arrange a meeting with Orange County to review the concerns and/or renegotiate. Commissioner Anderson agreed. Mayor Strong addressed what he wants changed between now and 2017 is they should pay no more, or no less than any other citizen of Orange County. He added his sole concern is they pay their fair share and no more. He stated if there was a way for the citizens to share an equal burden for the cost of commuter rail he would support that. He commented that he met with Harold Barley, Executive Director of MetroPlan to speak about opportunities to do that and he gave him alternatives.

Commissioner Dillaha believed they were paying a percentage of the entire system instead of paying the percentage of Orange County's burden. She stated they were being asked to pay too much because there is no cap regarding those annual costs with the current 99 year agreement and only one 60-day period for opting out based on dedicated funding.

Commissioner Bridges commented that they all share support for a regional solution for our transportation problem. She stated this was about careful fiscal responsibility and their responsibility as elected officials to work with Orange County to provide an equal burden and not an unfair tax burden. She expressed that she would support this if they have an opportunity to speak with Orange County and to make their intentions clear.

Commissioner Dillaha commented that they seemed to have consensus that there are terms they would like to revisit in the executed agreement and they should compile a list of those concerns, work with the City Attorney and request a meeting with Orange County. Commissioner Anderson commented that they could raise their issues in a letter to Orange County and go on record with that.

Commissioner Bill Segal stated that revisiting the contract negotiations would be a waste of time. He expressed that Central Florida may adopt some kind of dedicated funding plan for commuter rail and for Lynx bus service by 2017 but there was no certainty. Commissioner Anderson commented that ultimately it is Orange County's business decision to proceed with or without Winter Park. He commented that they were looking at how to express their concerns in that it will help them plan for the City's future. Commissioner Segal commented he was a supporter of commuter rail and that the ball was in their court but they need to decide if they are in or out. Commissioner Segal answered questions.

Tawney Olore, FDOT representative, explained that the Central Florida Commuter Rail Commission is an Advisory Commission to FDOT until the system is turned over to the Commission after seven years of revenue operations. She stated ultimately FDOT is the holder of the full funding grant agreement until the agreement expires (typically a 20 year time frame) and the holder of the bonds.

Commissioner Bridges expressed concerns with Winter Park paying a disproportionate share by having an uncapped O&M cost in our agreement that is not mirrored in the other agreements. She wanted to talk with Orange County to make this become a more equitable partnership.

Ms. Olore explained that two items will be changed in the interlocal agreement: 1) the governance agreement that FDOT is not a party to never called for alternates to the Commission Board or to the Technical Advisory Committee and the partners wanted to add that


amendment to the governance agreement; and 2) Amendment to the interlocal operating agreement between FDOT and the Commission concerning the date for FDOT to acquire the CSX property by December 31, 2008 but that will be extended to December 31, 2009. She also spoke about the FTA process and the rating of the project for final design. She explained that a medium rating is sufficient but they reached a medium high rating which is phenomenal. She added they are one in five in final designs in the country. Ms. Olore and Attorney Cheek answered further questions.

Commissioner Segal reiterated that the ball is in Winter Park's court and he did not think there is any appetite to revisit any deal points. Mayor Strong commented that he would like to address the issues that concern him and the other members of this Commission with Orange County and see if there is anything they can do about it. He commented that the most important issues is money and if there is a plan to resolve that in the next few years before 2017 then he would be comfortable with that. He stated that Mr. Barley has given him some ideas that they should be working on together and he was supportive of that.

Mr. Barley gave an update on the discussion regarding the dedicating funding source at last week's Metro Plan meeting and will update Mayor Strong with the progress of this matter.

There was a consensus to draft a letter listing concerns about the agreement, submit it to Orange County and await their response.

The meeting adjourned at 2:36 p.m.



Cynthia S. Bonham, City Clerk