

REGULAR MEETING OF THE CITY COMMISSION
February 28, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Building Director George Wiggins, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson
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

Mayor Bradley requested to table Item 5D since there is a question in terms of the process from a governance standpoint and to address Item 5C before 5B. City Manager Knight requested to table Item 11C so they can continue discussions with the Condominium Association members.

Motion made by Commissioner McMacken to approve the agenda with these changes; seconded by Commissioner Anderson and approved by acclamation of the City Commission.

Mayor's Report

Mayor Bradley noted that this is Commissioners Anderson and Dillaha's last official meeting and thanked them for all of their hard work and efforts.

- a. Presentation of checks from the Winter Park Chamber of Commerce to area schools from proceeds from the December 2010 pancake breakfast fundraiser

Debra Hendrickson, Winter Park Chamber of Commerce, stated that in 1998 Leadership Winter Park (LWP) created a special project called "SOS" which stands for "supply our students". She explained that they hold an annual pancake breakfast the first Saturday in December to help raise money for the six area elementary schools in the community (Aloma, Audubon, Brookshire, Dommerich, Killarney and Lakemont). Katie Miller Witter and Mary Rumberger of LWP presented checks from the proceeds from this year's pancake breakfast fundraiser to the six elementary schools and the City of Winter Park.

- b. Presentation of Spring 2011 Webisode produced in partnership with Full Sail University's SPARK program

Communications Director Clarissa Howard introduced the Full Sail team that produced the new Spring Webisode that features the City's rental facilities. She stated that the video will be featured on the homepage of the City's web site starting this week and will be a valuable tool to help market the various rental facilities in our City.

c. Rollins' 125th Anniversary Tribute to the City of Winter Park

Rollins College President Lewis Duncan presented a plaque to the Commission in appreciation of their participation and support for their 125th anniversary.

d. Hannibal Square Community Land Trust, Inc. Board of Directors appointment-Mr. Frank Baker, Jr. to replace Barbara DeVane

This item was tabled.

City Manager's Report

Mr. Knight informed the Commission that the Police impasse hearing that was tentatively scheduled for March 2 needs to be rescheduled. The meeting is now scheduled for March 7 at 3:30 p.m. until finished. Mayor Bradley advised that the public is invited to attend the meeting but noted that there will be no public input.

City Manager Knight said that he was in Tallahassee last week to meet with our legislative delegation on multiple topics and that he attended the pension hearing. He informed them that the Senate bill "TABOR" is moving through the Senate without including cities; he was told the House bill would include the cities so it depends on how they reconcile that issue. He said that he will keep them informed of the other bills that will impact them.

Commissioner McMacken requested to receive copies of the horizontal and the landscape improvement plans for the Fairbanks project. Mayor Bradley said there are a lot of questions about assessments that might be coming and asked if that information could be included. City Manager Knight acknowledged and noted that the information would be sent to all of the Commissioners.

Commissioner Dillaha asked about the timeline for the Wayfinding Program and the Lee Road improvements. CRA Director Dori DeBord said they received comments from FDOT and they are in the process of putting together final signed and sealed plans for each wayfinding board. She explained that because of the size and dimensions of the sign they need to have a structural engineer look at the poles they are planning to use to make sure they can meet the wind load certification and once the poles are certified they will forward everything to FDOT for final approval. She said they are hoping to have approval within 6 weeks.

City Manager Knight indicated that they received a response from FDOT regarding Lee Road. He explained that staff has to respond to their comments and resubmit so they have no idea how long it is going to take to receive an approved plan.

Commissioner Cooper wanted to make sure Ms. DeBord is involved in both the Wayfinding signage and in the Park Avenue Area Task Force logo for compatibility between the logo and the signage. Ms. DeBord said yes.

Commissioner Dillaha asked if the resolution that they approved regarding Homerule Authority for smoking in public spaces was sent to Tallahassee for state approval. City Manager Knight said he will follow up on the item and let them know the status. He said that if it has not been

sent, they will send it out right away to our delegation as well as the Florida League of Cities and the Governor.

Commissioner McMacken asked if the sign on Orange Avenue announcing the completion of the roadway 2010 can be removed. Mr. Attaway noted that they contacted FDOT and they said they would take care of it. He said he will call them again and request that it be removed.

City Attorney's Report

No items to report.

Non-Action Items

No items.

Consent Agenda

- a. Approve the minutes of 1/24/11 regarding the Howell Branch retention pond and the state office building discussion as well as the meeting of 2/14/11.
- b. Award RFP-6-2011 for Financial Advisory Services to The PFM Group.
- c. Approve the following purchase:
 1. PR 146196 to Alan Jay Chevrolet, piggybacking the Florida Sheriff's Association contract# 10-18-0907 for purchase of 2011 Chevy 2500HD Truck; \$25,241.00 (FY11 Vehicle/Equipment Replacement Fund)
- d. Amendment to solid waste contract to allow for City billing of shared containers.
- e. Ratify Fire Union contract.
- f. Approve the Ethics Board work plan.
- g. Approval to acquire updated cost estimates for the demolition and restoration of the State Office Building site.

Motion made by Commissioner Anderson to approve Consent Agenda Items "c" and "d"; seconded by Mayor Bradley and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Approve the minutes of 1/24/11 regarding the Howell Branch retention pond and the state office building discussion as well as the meeting of 2/14/11.

Commissioner Cooper referenced the February 14, 2011 minutes, page 4. She said she followed up with questions to Planning Director Jeff Briggs asking that commercial parking garages also reference high density residential. She requested that the minutes reflect that it is commercial or multi-family residential parking garages because in R-4 they also allow parking garages. Commissioner Cooper asked if the next time we do administrative clean up that we might want to put a definition in there that clears this up. Mayor Bradley said he thinks that was clear in the presentation. She said it was clear but it was not referenced in the minutes.

Motion made by Commissioner Cooper to approve the 2/14/11 minutes with this adjustment and the 1/24/11 minute adjustments; seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Consent Agenda Item 'b' - Award RFP-6-2011 for Financial Advisory Services to The PFM Group.

Commissioner Dillaha said that she served on the selection committee and asked about the ranking, how it works and what is it based on. City Manager Knight provided background and explained.

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

Consent Agenda Item 'e': Ratify Fire Union contract.

Commissioner Cooper explained that in this economy she is not comfortable supporting a three year contract but is comfortable with a two year contract. City Manager Knight stated they either need to reject or accept the contract that is on the table. He explained that they cannot negotiate a different contract since the union has already voted on it and accepted it. He said if they reject it, they will be back at impasse and have to reschedule the impasse hearing.

Motion made by Mayor Bradley to approve Consent Agenda Item 'e'; seconded by Commissioner Anderson and carried with a 4-1 vote; Commissioner Cooper voted no.

Consent Agenda Item 'f': Approve the Ethics Board work plan.

Commissioner Dillaha said she thought they talked about going further in looking at campaign finance reform. Mayor Bradley noted that there was no consensus on that item. Assistant City Manager Michelle del Valle explained that the request for transparency has to do with the election process, the financial reporting of the contributions and the ability to link the business owners to the contributions and the relationships between people who help in the election process.

Motion made by Commissioner Anderson to approve Consent Agenda Item 'f'; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.

Consent Agenda Item 'g': Approval to acquire updated cost estimates for the demolition and restoration of the State Office Building site.

Commissioner McMacken asked for clarification and if this was for informational purposes. Ms. DeBord explained that they are asking for approval to acquire updated cost estimates for the demolition and restoration of the State Office Building. She also explained that this item is in response to a Commission request to see how much it would cost to take the building down. She explained that she would like to give them all of the facts before they make a decision on what they want to do with the property. Mayor Bradley asked the City Manager to look within our budget and see if this can be cost neutral if possible. The request was acknowledged. Commissioner Dillaha said she is not supportive of going forward.

Motion made by Commissioner McMacken to approve Consent Agenda Item 'g'; seconded by Mayor Bradley and carried with a 4-1 vote; Commissioner Dillaha voted no.

Action Items Requiring Discussion:

a. Appointment of the Canvassing Board for the March 8 election

Motion made by Mayor Bradley to appoint Commissioner Anderson, Commissioner McMacken and City Clerk Bonham as the Canvassing Board for the March 8 election and for City Manager Knight as a back-up in case any of the three individuals cannot serve and to accept the canvassing criteria as set by the state and used by Orange County for canvassing absentee ballots and to allow the Supervisor of Elections office to open unquestionable absentees during the daytime; seconded by Commissioner Dillaha.

City Clerk Cynthia Bonham said they would need to be at the elections office on March 8 around 5:00 p.m. and stay until the results come in and they will not be certifying that evening. She said they will have to return to the elections office on March 10 at 3:00 p.m. to finalize and to perform the manual audit and certify the results. **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. Approval of the Transportation Plan

Motion made by Mayor Bradley to accept the Transportation Plan as presented and add that City staff work with Regional Metro Plan along with other organizations and FDOT to determine what can be done to improve the "F" rated roads in our City; seconded by Commissioner Anderson.

Motion amended by Commissioner Cooper that they approve the plan with the exception of Section 1 and that Section 1 be amended to include addressing commuter rail and bus support and also that a community meeting be held to review our proposed traffic improvements in particular Lee Road extension and 17/92 narrowing. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that they accept the plan with the exception of Section 1 and in Section 1 add the commuter rail and bus circulation; seconded by Commissioner Anderson. Commissioner Anderson clarified the addition of a section that addresses the circulation pattern in and around commuter rail. Commissioner Cooper said that is correct.

Motion amended by Commissioner Cooper that they have an open forum with the community relative to the narrowing of 17/92. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that they hold a community forum to discuss the extension of Lee Road through to Denning Avenue; seconded by Commissioner Anderson. Amendment was amended by Commissioner Anderson that additional studies and public input will be given to address concerns raised over the potential increase of traffic; seconded by Commissioner Cooper.

Commissioner Cooper asked for clarification of public input. Commissioner Anderson said that would be public hearings and notices that would invite the public for input. Commissioner Cooper said she is very comfortable with that.

Commissioner McMacken asked how often the plan is updated. Mr. Attaway said they can update the plan as often as so desired. He answered other questions of the Commission related to project notification.

Motion amended by Commissioner Cooper that the plan be updated annually in the first calendar quarter and to include a process for notification; seconded by Commissioner Dillaha.

Mayor Bradley suggested that they update the plan prior to the fiscal year possibly in the first quarter of a regular year such as January to March to help them when they get into the budget preparation season in April.

Upon a roll call vote on the amendment (that the plan be updated annually in the first calendar quarter and to include a process for notification), Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the amendment (that they hold a community forum to discuss the extension of Lee Road through to Denning Avenue and that additional study and public input will be given to address concerns raised over potential increase of traffic), Mayor Bradley and Commissioners Anderson, Dillaha and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the amendment (that they accept the plan with the exception of Section 1 and in Section 1 add the commuter rail and bus circulation), Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion (to accept the Transportation Plan as presented and add that City staff work with Regional Metro Plan along with other organizations and FDOT to determine what can be done to improve the "F" rated roads in our City) and the above amendments (that the plan be updated annually in the first calendar quarter and to include a process for notification; that they hold a community forum to discuss the extension of Lee Road through to Denning Avenue and that additional studies and public input will be given to address concerns raised over potential increase of traffic; that they accept the plan with the exception of Section 1 and in Section 1 add the commuter rail and bus circulation); Mayor Bradley and Commissioners Anderson, Dillaha, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comments

Lisa Coney representing Fairbanks Neighborhood & Merchants Association, 1350 W. Fairbanks Avenue spoke about the economic impact of medians being installed on Fairbanks Avenue. They have grave concerns about the business impact and asked the Commission to reconsider the design plans that are not complete. She also asked that they include the merchants to participate in the meetings for their input.

Jeffrey Blydenburgh, 204 Genius Drive, spoke about the State Office Building and urged the Commission to consider instructing staff to work on a Comprehensive Plan for the best uses for

this property and other properties which will help them in their decision making. He also asked them to consider the idea of a Master Plan which he believed to be desperately needed.

Eileen Duva, 311 East Morse Boulevard, spoke about the White "A" sculpture to be constructed. She asked that nice lighting be installed and that the island be brought up to par. She also thanked Commissioner Anderson and Commissioner Dillaha for their dedicated services.

Peter Weldon, 700 Via Lombardy, spoke about freedom of speech and Herb Weiss's mailer. He said to intentionally distribute false information is unacceptable to him and asked that this be looked into.

Woody Dillaha, 1801 Forest Road said thank you to Commissioner Dillaha for her dedicated services and to the elected officials for their hard work.

- c. Offer of a sculpture *White "A"* by Winter Park resident Micheline Kramer to the City for a 10 year period on Morse Boulevard

This item was tabled.

A recess was taken from 5:18 p.m. to 5:35 p.m.

- d. Recycling pilot test project

Water and Wastewater Utility Director Dave Zusi provided background. He indicated that the goal was to increase the size and volume of the recycling container and to offset the increase with a reduction in the garbage to one time per week. Information about the proposed test program was distributed to homeowners associations and two communities responded with interest. Some interest was expressed by the Green Oaks Association and a portion of the College Quarters Association (approximately 70 homes). Only the College Quarters Association could assure uniform participation of their test area. Discussions with the City Attorney indicated that it could be discriminatory to require an area to participate in a test, against their will, that is not applied uniformly across the City. Further, staff is concerned that the lack of interest may be an indication that the citizens are not ready for such a change.

Mr. Zusi said they are currently in the process of trying to re-educate and re-inform our customers about the options that are available to them under our existing program and that they can go from a bin type system to a cart system for recycling. The cost is approximately \$2.32 a month for the customer to receive the large recycling cart. He indicated that since there is minimal interest with participation in the pilot program that maybe they should make some revisions to the pilot study so that the program can become a reality in the long term.

Mayor Bradley asked if the Environmental Review Board (ERB) has reviewed this. Mr. Zusi said they discussed the program with the ERB and they were very supportive and recommended doing a pilot program. Mr. Zusi answered questions.

Motion made by Mayor Bradley to table to the Environmental Review Board for further study; seconded by Commissioner McMacken.

Commissioner Dillaha recommended putting the educational information in our newspaper. Communications Director Clarissa Howard said it will be included in the next newspaper edition. Mayor Bradley said he would like to see them explore other options to help improve recycling. Commissioner McMacken said he would like them to do more research and have it come back to them in a more comprehensive manner. He suggested that they include best practices so that maybe they could piggyback off of what works for other cities. Commissioner Cooper said she would hope that if we go from 2 trash pickups to 1 trash pickup that it comes with a reduction in cost because it is clearly a reduction in service. Mayor Bradley indicated that the goal of this is to improve recycling in our City and hopes that the Environmental Review Board would consider multiple different ways to do that.

Upon a roll call vote table to the Environmental Review Board for further study, Mayor Bradley and Commissioners Anderson, Dillaha and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Public Hearings

a. Equalization Board Hearings:

RESOLUTION NO. 2078-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170, FLORIDA STATUTES, DECLARING THAT THE CITY IS TO FUND CAPITAL IMPROVEMENTS IN AND FOR THE CITY, TO-WIT: UNDERGROUND ELECTRIC/CATV (BHN) FACILITIES ALONG NORTH PHELPS AVENUE AND BRYAN AVENUE FURTHER DECLARING THAT THE COST OF SAID IMPROVEMENTS SHALL BE PAID BY SPECIAL ASSESSMENTS LEVIED AGAINST REAL PROPERTY SPECIALLY BENEFITTED BY SAID IMPROVEMENTS; SPECIFYING THE MANNER OF AND TIME FOR PAYING THE SPECIAL ASSESSMENTS; AND INVITING THE PUBLIC TO REVIEW THE PROJECT PLANS AND SPECIFICATIONS AND THE ASSESSMENT PLAT, ALL OF WHICH ARE ON FILE AT THE OFFICE OF THE CITY CLERK OF THE CITY OF WINTER PARK; PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. **Motion made by Commissioner Cooper to adopt the resolution; seconded by Commissioner Dillaha.** No public comments were made. **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.**

RESOLUTION NO. 2079-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO CHAPTER 170.03, FLORIDA STATUTES, CONFIRMING THE SPECIAL ASSESSMENTS FOR THE UNDERGROUNDING OF ELECTRIC/CATV (BHN) FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ADJACENT TO NORTH PHELPS AVENUE AND BRYAN AVENUE, GENERALLY DESCRIBED AS THOSE PROPERTIES ADJACENT TO NORTH PHELPS AVENUE AND BRYAN AVENUE, PROVIDING AN EFFECTIVE DATE.

Motion made by Commissioner Dillaha to adopt the resolution; seconded by Commissioner McMacken. No public comments were made. **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.**

Commissioner Reports:

a. Commissioner Anderson

Commissioner Anderson thanked everyone for the privilege of serving.

b. Commissioner Dillaha

Commissioner Dillaha spoke about the current condition of the Denning Drive property and suggested that some improvements be done such as installing a fence just around the garage instead of the entire property and to install sod to help improve the area. Mayor Bradley said they should be looking at all properties and projects that are under construction for over a year that have not been completed. It was recommended that Building and Code Enforcement Director George Wiggins look into this and it was acknowledged.

Commissioner Dillaha then asked City Manager Knight to follow up on the monthly tennis newsletter that is to be distributed per the contract agreement with High Performance. He acknowledged.

Commissioner Dillaha commented on the standards of behavior and having civility in the City and she would like the City to do better.

Commissioner Dillaha thanked Commissioner Anderson for his service and respect and the rest of the Commission for their support.

c. Commissioner Cooper

1. Freeze on all expenditures not designated in the 2011 budget and set forth in the Capital Improvement Plan

Commissioner Cooper asked that they consider putting a freeze on all non-program spending especially since over the next two years they will be facing challenges in the area of revenues along with trying to provide raises for City employees. She stated she is asking for this because they do not seem to have the discipline to say no to certain items. Commissioner Anderson said he could support budget neutrality meaning if something comes forward staff needs to present how the item will be funded. Commissioner Cooper said she likes that. Commissioner McMacken said he could support budget neutrality.

2. Report on Mayor Jacobs' Job Summit

Commissioner Cooper provided a summary on their recent attendance at Mayor Jacob's Job Summit event in Orlando. She said it was very interesting, well attended and that rebranding is a big priority. They also discussed incentive programs, education and a trained work force. She suggested that the City identify companies that might be out there and what sort of training they need. Mayor Bradley said he thinks the concept is that we need to grow our jobs base.

3. Request Economic Development Plan of Action to Retain RLF

Commissioner Cooper said she was hoping with the help of the Economic Development Group to get a plan of action to retain RLF. Mayor Bradley said at their last meeting they voted down the economic job retention so unless the three Commissioners who voted against it change their vote he does not know how they can instruct staff to do anything other than talk to RLF and ask them to stay.

City Manager Knight said they met with RLF after the last meeting and will continue to meet with them to try and work out some options. Mayor Bradley said that RLF has multiple options if they want to stay here and that the State Office Building property is not the only piece of property available in the City. City Manager Knight clarified that they have continued to dialogue with RLF and if there is some type of incentive that would get them stay and it is within reason they will bring it back to the Commission for consideration. City Manager Knight also noted that they will continue to do this with all companies.

Commissioner Dillaha suggested that the Economic Development Advisory Board contact those companies that have left the City over the last few years to find out why they left or if the City could have helped in some way to make them stay. She believed that this data could help them come up with some incentives that may work.

4. Request Economic Development/Business Development Plan of Work

Commissioner Cooper spoke about the Orlando Economic Development Commission Business Development Plan of Work and wanted to offer it as a great example. She offered to volunteer to be the Commissioner that goes with them to meet the corporate headquarters.

CRA Director Dori DeBord said she received a copy of the information and that the Economic Development Advisory Board (EDAB) would like to meet with the Commissioners to discuss the Economic Development Master Plan along with the items in this report and other items. Ms. DeBord noted that they are in the process of rescheduling the EDAB meeting.

5. Economic Development Activity Report/Metric for Performance Measurement Monthly

Commissioner Cooper provided a sample copy of Metro Orlando's Periodic Economic Development Activity Report and said she thought it would be a good idea if something like this could be presented to the City Commission on a monthly or quarterly basis. Mayor Bradley requested that real estate activity be included in this report. He said he would also like to know how many jobs we have and do not have and to include businesses as part of the report.

d. Commissioner McMacken

Commissioner McMacken suggested having the Ethics Board take a look at board members and what their responsibilities are and how they should communicate to the public as a private citizen or as a board member. Attorney Brown stated that the Charter is very clear and provided counsel. Mayor Bradley said he would be supportive in having staff and Attorney Brown look at developing a policy. There was a consensus for City Manager Knight to send a memo to all

board members regarding communications to the public. Mayor Bradley requested that it also be sent to the new Commissioners.

e. Mayor Bradley

Mayor Bradley stated that there is a candidate saying that he promised RLF \$400,000 and that he wanted to set the record straight that this statement is blatantly false.

Mayor Bradley commended Police Chief Railey for the great work in utilizing his resources effectively and for his numerous efforts to the Community.

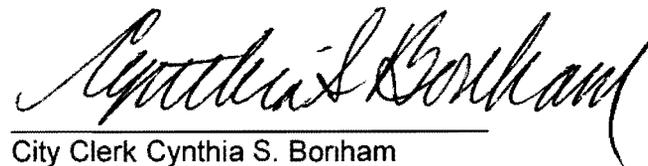
Commissioner McMacken spoke about the Duck Derby and thanked the Parks and Recreation Department for a wonderful event.

The meeting adjourned at 6:42 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Borham