

REGULAR MEETING OF THE CITY COMMISSION
March 14, 2011

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

A moment of silence was given to the families and children in Japan that have passed away and those who are suffering from the earthquake and tsunami this past week. The invocation was provided by Reverend Bryan Fulwider, First Congregational Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper
Commissioner Phil Anderson (for beginning)
Commissioner Beth Dillaha (for beginning)

Also present:

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

Mayor Bradley presented outgoing Commissioners Phil Anderson and Beth Dillaha with a plaque of appreciation for their service for the last three years. Both commissioners bid farewell and provided comments and thanks as to their service on the Commission.

The Oath of Office was administered to newly elected Commissioner Steven Leary by Orange County Clerk of Courts Lydia Gardner and Commissioner Sarah Sprinkel by her spouse.

Approval of the agenda

Mayor Bradley requested to table Item 11D to the next meeting to allow for the procedural steps to take place. Commissioner McMacken requested Item 6C be addressed under Commission Reports.

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

Mayor's Report

- a. Introduction of Kathy Salerno, Outreach and Education Coordinator for the State of Florida's Chief Financial Officer, Jeff Atwater

Kathy Salerno, Orlando Regional Representative of the State of Florida Chief Financial Office provided background regarding their duties and the services they provide. She explained that their office provides consumer service assistance with approximately 26 types of insurance such as worker's compensation insurance and auto insurance. They also provide assistance with identity theft, consumer protection and insurance fraud. Ms. Salerno informed the Commission that she is the Orlando community relations representative. She provided their office website address <http://www.myfloridacfo.com> and a consumer helpline number 877-693-5236 for anyone needing assistance.

b. Proclamation-March 2011 as Bike Month

Mayor Bradley presented a proclamation marking March as "Bicycle Month". He also noted that the 3rd annual "Bike from Park to Park" event will be held on March 25, 2011 at 8:00 a.m. and encouraged all to attend.

Mayor Bradley announced that the Orange County League of Mayor's sent him a notice informing him that the White House has requested that on March 15, 2011 the American Flag be flown at half mast in honor of the passing of the last surviving American Veteran of WWI, Army Corporal Frank W. Buckles.

Mayor Bradley mentioned that in his upcoming April Parks Press article he has invited the Commissioners to join him in the visioning and encourage all citizens to join in on the conversation.

Mayor Bradley announced that the Winter Park High School 9th grade center dedication will be held on March 15, 2011 at 8:30 a.m.

c. City Commission governance, working together, and efficient meetings:

1. Resolution No. 1978
2. Timed agendas
3. Charter's role definition for Commission members

This item addressed under Commission Reports.

d. Congratulations Winter Park Wildcats Boys State 6A Champions

Mayor Bradley commended the Winter Park Wildcats for winning the State 6A Championship.

City Manager's Report

City Manager Knight said he is pleased to announce that Fitch issued our ratings on the Water and Sewer Bonds. He said they reconfirmed our double-A minus ratings and that it continues to be a strong bond rating from Fitch.

The strategic planning session was scheduled on April 8, 2011 from 9:00-4:00 p.m. with a facilitator and the location is to be determined.

City Attorney's Report

No items to report.

Non-Action Items

a. Comprehensive Annual Financial Report (CAFR) presentation

Bernadette Britz-Parker of James Moore & Company, CPA provided the CAFR from fiscal year ending September 30, 2010. She summarized the highlights as presented in the package and

in the PowerPoint presentation. Commissioner Cooper asked if it was advantageous to have a debt policy. Ms. Parker said it would not hurt but they have to be very careful in how they word the policy so that their hands are not tied in the event of an emergency. Commissioner Cooper asked if their firm could help identify a few benchmarking cities that are the most comparable. Ms. Parker said she would be happy to do that.

Motion made by Commissioner Cooper to accept the CAFR and that they direct staff to implement the recommendations; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

b. Financial Report – January 2011

Finance Director Wes Hamil provided the January 2011 financial report and answered questions of the Commission. Electric Director Jerry Warren addressed the concern regarding the increase in gasoline and oil prices and how it may affect the current power rates. Mr. Warren recalled that they asked Progress Energy to fix 50% of the natural gas prices. He said they have accomplished what they intended to do and that was to hedge the risk. He explained that they review the fuel forecast quarterly and they adjust the fuel adjustment as appropriate. He said there will probably be no increase in the fuel adjustment and it should be the same or perhaps lower. Mr. Warren also noted that the non-fuel part of the contract offers substantial savings to our customers.

Motion made by Commissioner McMacken to accept the Financial Report; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of 2/28/11.
- b. Award RFP-5-2011, Bond Counsel Services to Bryant Miller Olive P.A.
- c. Approve the Orange County Vendor Payment Agreement for the Low Income Home Energy Assistance Program.
- d. Ratify the police union contract.
- e. Approve the following purchases and contracts:
 1. PR 146252 to Alan Jay Chevrolet, piggybacking the Florida Sheriff's Association contract; purchase of 2011 Chevy Silverado 2500HD; \$37,298
 2. PR 146290 to HD Supply Plumbing for the owner direct purchase of plumbing supplies for the Community Center
 3. PR 146295 to Interedge Technologies for the owner direct purchase of fire-rated glazing and framing systems for the Community Center
 4. PR 146300 to Rexel for the owner direct purchase of lighting fixtures for the Community Center.
 5. Piggybacking Seminole County contract #RFP-600103-07 with McLane Excavating, Inc. for aquatic maintenance services and authorize the Mayor to execute the Piggyback Contract
 6. Piggybacking City of Orlando contract #BI08-2351-2 with Unifirst Corporation for rental of work uniforms and authorize the Mayor to execute the Piggyback Contract

7. Piggybacking Lake County contract #CT070811G5 with Ten-8 Fire Equipment, Inc. for fire equipment and supplies and authorize the Mayor to execute the Piggyback Contract
8. Piggybacking Florida Sheriff's Association Contract #11/13-05-0120 for Tires & Related Services and authorize the Mayor to execute the Piggyback Contract
9. Piggybacking the GSA contract #GS-35F-0119P for General Purpose Commercial Information Technology Equipment, Software & Services and authorize the Mayor to execute the Piggyback Contract

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

Action Items Requiring Discussion:

- a. Approve City Staff to work with the City Attorney to create a City ordinance that regulates Pain Management Clinics.

Building and Code Enforcement Director George Wiggins explained that recently the City of Maitland adopted an ordinance dealing with this issue. He explained that many police departments in Florida have reported a pattern of illegal drug use and distribution that has been linked through Pain Management Clinics and further elaborated on current studies. He also noted that on December 7, 2010 Orange County adopted an ordinance imposing a one year moratorium on the issuance of a business license for any new Pain Management Clinics.

Police Chief Railey explained that currently in Orange County there are 61 Pain Management Clinics and as soon as an illegal clinic is shut down another one opens up. He said as Orange County, Maitland and Orlando becomes more restrictive and because Winter Park does not have an ordinance to address this issue these types of businesses can come into our City and open shop. They would like to take a proactive step and work with the City Attorney to address the problem before it becomes worse. It was also noted that the creation of a City ordinance regulating Pain Management Clinics is not intended to interfere with legitimate medical clinics or the lawful prescription of controlled substances.

Attorney Brown asked for direction. He provided three options: enacting a moratorium which would allow them to study what other areas are doing; limit the zoning to an industrial area; or to regulate the hours and days of operation and the number of prescriptions allowed to be issued per visit.

Motion made by Mayor Bradley to approve City staff to work with the City Attorney to create a moratorium and/or a City ordinance that regulates Pain Management Clinics; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comments

Tony Gray, 452 Sylvan Drive, spoke about the pay raises for the Commission. He suggested that they vote a \$10,000 raise and implement it at \$1,000 a year. He said they could start it next year or after they are out of office, otherwise they are putting it off to the next set of Commissioners and it will be equally embarrassing for them.

Public Hearings

- a. RESOLUTION NO. 2080-11: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING POLICE OFFICER AND FIREFIGHTER PENSION PLAN REFORMS.

Attorney Brown read the resolution by title. City Manager Knight answered questions. He explained that this resolution was requested by the Florida League of Cities and will allow us the ability to negotiate the pension issue versus forcing something on either side.

Motion made by Commissioner McMacken to adopt the resolution; seconded by Commissioner Sprinkel.

Fire Pension Chairman Pat McCabe said he does not agree with everything that is in this resolution but he does understand why they are supporting it. He said the pension board is listening to them, the board members are professionals in their field and they feel that the board is being run very well and soundly. He said the board is available any time to answer any questions they may have. No public comments were made.

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

Commissioner Reports:

- a. Commissioner Leary

Commissioner Leary requested to discuss two issues at the next meeting of March 28: the fees of Fleet Peoples Park and Commission salaries. There was consensus to add this to the March 28 agenda. City Manager Knight asked if they are requesting the first reading of an ordinance to repeal these two items or if they would like to handle it as a discussion item. It was agreed that both of these items be handled as first readings for repeal.

Commissioner Leary requested to suspend the implementation of the fines at Fleet Peoples Park. City Attorney Brown provided counsel. He said technically it requires a repealing ordinance to change the schedule of fines; however, law enforcement and municipal officers have discretion in enforcement. Attorney Brown recommended that they allow the City Manager and staff to exercise their normal discretion without a consensus coming from the Commission at this time and that was agreed.

b. Commissioner Sprinkel

Commissioner Sprinkel stated that the Commission salaries would not be in effect until April so if they address this issue at the next meeting it should not have any impact on anything in any specific way.

Commissioner Sprinkel said it would be great if the City could provide the same information to the public that she has received.

c. Commissioner Cooper

Commissioner Cooper asked about the Hannibal Square Community Land Trust appointment and wanted to know why they tabled the item. Mayor Bradley said that the president did not follow the bi-laws and they will be bringing the item back to them at the March 28 meeting.

1. West Fairbanks Listening Session

Commissioner Cooper requested to schedule a work session regarding West Fairbanks and to allow citizens the opportunity to express their concerns and provide input. Mayor Bradley asked the status of the form based codes. City Manager Knight said it is being reviewed now by the both Planning and Building Departments and should be completed sometime in May. Mayor Bradley requested that the form based code be sent out to all Commissioners. The request was acknowledged. Upon discussion, there was a consensus to add the West Fairbanks listening session to the March 28 agenda from 6:00-7:00 p.m. for discussion and public input.

d. Commissioner McMacken

Commissioner McMacken mentioned that he attended the free outdoor Orlando Philharmonic concert event this past weekend and the honoring of Ken Murrah. He said he hoped that others attended the event and enjoyed it as much as he did.

Commissioner McMacken mentioned the article titled "Pedestrian friendly Winter Park has it all: Museums, sidewalk cafes, shops and lakes" which was published this past week in the St. Petersburg Times.

Commissioner McMacken asked if the sign on Orange Avenue announcing the completion of the roadway 2010 can be removed. Mr. Attaway said they will remove it this week.

e. Mayor Bradley

Mayor Bradley welcomed the new Commissioners. He then called attention to Resolution No. 1978 which governs their work. He said they are trying to adhere to timed agendas in an effort to be fair to all who participate. He addressed what their roles are as Commissioners which is defined in the Charter.

Mayor Bradley requested support for a resolution to be brought back from City staff regarding improving City management governance. He asked for a resolution that looks at the dollar value that the City Manager can approve on consent agenda items as well as items that are budgeted. He said he would like to instruct the City Manager to bring something forward at their

meeting of April 11. There was consensus to bring this forward. City Manager Knight acknowledged and said he understands the request.

Mayor Bradley asked if the City's Economic Development Plan can be brought forward at their meeting of April 11 for ratification. CRA Director Dori DeBord advised that the EDAB Board is in the process of looking at the plan now and would like to meet with the Commission to discuss exactly what they want. She said they could bring them the Economic Development Master Plan that was developed a few years ago and use that as a starting point of discussion. Mayor Bradley asked if they could bring it back to them within a month to review. Ms. DeBord said yes. There was consensus to bring this forward in one month.

Mayor Bradley asked for support to bring forth a discussion on the state of our City buildings and City facilities such as the ADA accessibility and other items that they really need to address. There was a consensus to address this during the strategic planning session.

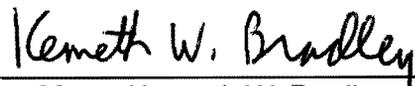
Mayor Bradley requested to look at combining resolutions, our Charter and ordinances into one master ordinance or master resolution that would govern our City advisory boards. He would like to clarify the number of board members and to do this before May so that they can appoint effectively. There was consensus for staff to look at this and bring forward in April.

He mentioned that the selection of the Vice Mayor is scheduled for April 11. It was noted that because how election day fell on the calendar and how the Charter is written that they will be without a Vice Mayor for the next two meetings.

Mayor Bradley mentioned the budget preparations and requested that Mr. Donegan, Orange County Property Appraiser, come and review what he perceives as our on-going projected tax assessments over the next few years. There was consensus to invite Mr. Donegan to either the April 11 or April 25 meeting and for the City Manager to coordinate. City Manager Knight acknowledged.

Mayor Bradley suggested eliminating the bi-weekly work session meetings. Mayor Bradley noted that the March 21 work session meeting is cancelled. Commissioner Cooper said she is not in favor because she thinks communication is critical. Mayor Bradley clarified that there is consensus for this item to be added to the March 28 agenda for discussion. It was clarified that there was consensus that these work sessions are not needed at this point in terms of regular work sessions. Mayor Bradley stated that they could use the regular Commission meetings to talk to each other and it would also allow for public input and that work sessions will be called only when needed.

The meeting adjourned at 5:17 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham