

REGULAR MEETING OF THE CITY COMMISSION
October 10, 2011

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 provided by Reverend Jim Govatos, Aloma United Methodist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Tom McMacken

Also present:

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

Approval of the agenda

Motion made by Mayor Bradley to approve the agenda with the addition of Item 4d– Creation of a task force for Martin Luther King recognition; seconded by Commissioner Sprinkel and approved by acclamation of the City Commission.

Mayor's Report

a. Employee of the Quarter presentation

Mayor Bradley recognized Mike Ruby, Aquatics Supervisor as the Employee of the Fourth Quarter in 2011. He thanked him for his dedication and outstanding performance in the Lakes and Stormwater Division.

b. Proclamation – 2012 Election

Mayor Bradley proclaimed a general election to be held on January 31, 2012 for the purpose of electing a Mayor. If a primary is necessary, it will be held on December 13, 2011. Qualifying will be held from noon, November 1, 2011 and will end at noon, November 8, 2011.

c. Board Appointment: Parks and Recreation Advisory Board

Parks and Recreation Advisory Board

Fred Jones (New, alternate 2011-2012)

For clarification purposes, Sam Stark resigned from the Parks and Recreation Advisory Board which resulted in an opening for the alternate position for this board as Mike Palumbo will move into the regular position replacing Mr. Stark. Fred Jones will be moving from the Code Enforcement board to the Parks and Recreation Advisory Board.

Motion made by Mayor Bradley that the above appointment is accepted as presented; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

d. Creation of Task Force for Martin Luther King

Mayor Bradley requested that a task force made up of seven members be created for Martin Luther King to recognize and acknowledge him for everything that he stood for. He explained that last year the Commission revised the advisory board rules and they are now allowed to create a task force for a limited time and limited issue. He believes that 6 months is a sufficient amount of time for this task force to provide recommendations of an appropriate acknowledgment and bring it back to the Commission.

Motion made by Mayor Bradley for the creation of a Task Force for Martin Luther King and to bring nominations forward at the next meeting for this board; seconded by Commissioner McMacken. 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.

Mayor Bradley directed staff to work with the task force.

e. Art Festival (not on agenda)

Commissioner McMacken mentioned that the Autumn Art Festival this year was a challenging one due to the enormous amount of rain. He acknowledged City staff, the Fire Department and Police Department for their outstanding efforts.

City Manager's Report

a. 90 Day Plan Update

City Manager Knight presented the 90 day plan and noted that the pension report will be finalized this week and anticipates presenting it to the Commission at the next meeting. The East Morse Boulevard community meeting is scheduled for November 2 and should resume back to the Commission shortly after that. City Manager Knight mentioned that the one-time per week garbage collection topic that was deferred from the last quarter has been added to the list. He asked for direction on the items presented or if they would like to add any additional items.

Commissioner Cooper suggested moving the Pedestrian Safety Plan up to a higher priority because of the valet/parking plan that is underway for the Alford Inn. She requested that a letter of support be sent out regarding the Interlachen Historic District and a resolution for support to move forward with the post office property acquisition. Commissioner Cooper also requested to have an open discussion regarding governance and to look at City ordinances that were combined in 2007. She suggested that a community forum be held regarding trees since they are considering asking the residents to maintain the trees in the right-of-way.

Commissioner Sprinkel said she has received a number of telephone calls from citizens who are interested in participating in the traffic study and requested that staff include the public in the discussions.

Mayor Bradley asked for a follow up on the status of the Fairbanks Avenue consultant report and the tree ordinance review and the fees associated with it. He requested that this information come forward so they can conclude it during this quarter if possible.

Commissioner Cooper mentioned that Waste Pro is on the agenda for approval tonight (this was a blanket purchase order) and asked if it will be a problem if they approve it and then later on reduce the pick-up to once a week. City Manager Knight noted when the contract comes up for approval that they will have to renegotiate that part of the contract and noted that Waste Pro has no objection to this change. Mayor Bradley recommended that the Environmental Review Board hold a community forum so they can listen to citizen comments on the pros and cons with the once a week garbage pick-up before it comes back to the Commission. City Manager Knight acknowledged the requests.

Commissioner McMacken asked if the Fairbanks Avenue design study is included in the Architectural Design Guidelines task item. City Manager Knight said 'yes' and that it also includes Orange Avenue.

City Attorney's Report

a. Ravaudage annexation update

Attorney Brown provided an update on the Ravaudage annexation. He explained that there are six parcels of land which are owned by citizens that do not voluntarily consent to be annexed so the statutory procedure is for the City to enter into an interlocal agreement with the County which will provide for annexation of those parcels.

Attorney Brown clarified that the City of Maitland is not part of this agreement because it is not necessary at this point in time. He explained that a separate agreement will come at a later date between the City of Winter Park and the City of Maitland regarding the 17 acres. Attorney Brown advised that he has prepared a draft interlocal agreement between the City and Orange County that will provide for annexation of the Ravaudage area but mentioned that there will be a separate pre-annexation agreement with the developer. The intention is to present all of the documents to the Commission at the same time so they can act on everything simultaneously. City Manager Knight clarified that this delay is not stopping the Ale House from being constructed since they separated that part of the agreement.

Non-Action Items

a. Financial Report – August 2011

Finance Director Wes Hamil summarized the August 2011 Financial Report and answered questions.

Motion made by Commissioner Sprinkel to approve the financial report as presented; seconded by Commissioner McMacken and approved by acclamation of the City Commission.

Consent Agenda

- a. Approve the minutes of 9/26/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

- b. Approve the following purchases and contracts:
1. Change Order #1 to Purchase Order 144654 to Progress Energy Florida for FY11 transmission services; \$300,000
 2. Blanket Purchase Order to Stephen's Technology for FY12 Trenchless Repairs to Sanitary Sewer Mains; \$135,000
 3. Blanket Purchase Order to the City of Orlando for FY12 sanitary sewer charges; \$2,022,000
 4. Blanket Purchase Order to SSNOCWTA for FY12 Operation & Maintenance; Depreciation; \$625,000
 5. Blanket Purchase Order to Perma-Liner Industries, Inc. for FY12 Lateral Lining Materials for Sewer Repairs; \$100,000
 6. Blanket Purchase Order to Avanti International for FY12 purchases of AV-118 Chemical Grout; \$60,985
 7. Blanket Purchase Order to Air Liquide Industrial Co. for FY12 purchases of Liquid Oxygen for Water Treatment Facilities; \$182,500
 8. Blanket Purchase Order to Odyssey Manufacturing Company for FY12 purchases of 12.5% Sodium Hypochlorite; \$220,000
 9. Blanket Purchase Order to Waste Pro of Florida for FY12 Residential Garbage, Yard Waste & Recycle Services; \$1,912,155
 10. Blanket Purchase Order to City of Orlando for FY12 improvements at the Iron Bridge Regional Water Reclamation Facility; \$165,000
 11. Blanket Purchase Order to City of Altamonte Springs for FY12 Wholesale Sewer Treatment; \$115,000
 12. Blanket Purchase Order to ITT Flygt Water & Wastewater for FY12 purchase of Flygt Products, Service Repair & Warranty; \$50,000
 13. Blanket Purchase Order to Duval Asphalt Products, Inc. for FY12 purchases of E-Z Street Cold Asphalt; \$58,000
 14. Blanket Purchase Order to Winter Park Public Library for FY12 Organizational Support; \$1,251,444.37
 15. Blanket Purchase Order to ENCO Utility Services for FY12 Professional Services (Operations and Maintenance); \$3,000,000
 16. Blanket Purchase Order to Progress Energy for FY12 purchase of Bulk Power; \$17,000,000
 17. Blanket Purchase Order to Progress Energy for FY12 Transmission Services; \$1,200,000
 18. Blanket Purchase Order to Seminole Electric Cooperative, Inc. for FY12 purchase of Bulk Power; \$13,000,000
 19. Blanket Purchase Order to Burford's Tree, Inc. (RFP-9-2007) for October-November 2011 Tree Trimming of Electric Utility Lines; \$150,000
 20. Amendment #4 to Fire Services Billing contract with ADPI/Intermedix (RFP-16-2009) and authorize the Mayor to execute the Amendment document; no fiscal impact
 21. Renewal of Commercial Insurance package with Brown & Brown for period 10/1/2011-10/1/2012; authorize the Mayor to execute the renewal document and approve subsequent purchase order to be created October 3, 2011; \$584,085
 22. Piggybacking Citrus County contract ITB 064-09 with The Nidy Sports Construction Company for athletic court resurfacing and authorize the Mayor to execute the Piggyback Contract; contracted for as needed, within approved budget

23. Piggybacking Orlando Utilities Contract (895-QQ) with HD Supply Waterworks, Ltd. for Water/Wastewater Materials and authorize the Mayor to execute the Piggyback Contract;
- c. Approve the contract for pay cards with Global Cash Cards and authorize the Mayor to execute the three year contract.
 - d. Approve the updated Interlocal Agreement for Fire Rescue Services with the City of Casselberry
 - e. Award IFB-22-2011 Rebid Temple Drive Electric Underground Bond Project – Materials to:
Electric Supply Inc. - \$145,971.01 Purchase Requisition #147835
Gresco Utility Supply Inc. - \$31,498.69
HD Supply Utilities Ltd. - \$63,073.92 Purchase Requisition #147828
Stuart C. Irby Co. - \$22,678.24
Wesco Distribution - \$33,750 (For clarification purposes, Wesco Distribution was no longer being considered for IFB-22-2011 Rebid Temple Drive Electric Underground Project - Materials (Consent Agenda Item 'e') due to an error in pricing).
 - f. Approve the land swap of the City's lot at 509 S. Capen Avenue for the Habitat for Humanity lot at 507 S. Capen Avenue to allow Habitat to swap that lot to the New Warner Chapel Primitive Baptist Church to build a new fellowship hall on the property – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 - g. Approve the co-sponsorship of a Veterans Day Program on November 11, 2011 at 11:00 a.m. in the Community Center.
 - h. Ratify the agreement between the City of Winter Park and Teamsters Local Union No. 385 (Police Department)

Motion made by Commissioner Sprinkel to approve Consent Agenda items 'b' through 'e', 'g' and 'h'; seconded by Commissioner Cooper and approved by acclamation of the City Commission.

Consent Agenda Item 'a' - Approve the minutes of 9/26/11.

Commissioner McMacken referenced page 4, last sentence in the 7th paragraph and requested to change the word "sense" to "cents".

Motion made by Commissioner McMacken to approve Consent Agenda Item 'a' (minutes) with the above change; seconded by Commissioner Sprinkel and approved by acclamation of the City Commission.

Consent Agenda Item 'f' - Approve the land swap of the City's lot at 509 S. Capen Avenue for the Habitat for Humanity lot at 507 S. Capen Avenue to allow Habitat to swap that lot to the New Warner Chapel Primitive Baptist Church to build a new fellowship hall on the property

Commissioner Leary mentioned that he did not see a statement of value or an appraisal for this land swap in the agenda packet and requested in the future that staff provide an opinion of value for all land swaps. Planning Director Jeff Briggs provided clarity and acknowledged the request.

Motion made by Commissioner Leary to approve Consent Agenda Item 'f'; seconded by Commissioner Cooper and approved by acclamation of the City Commission.

Action Items Requiring Discussion:

- a. Exchange and sales agreements with CNL/Progress Point for State Office Building Property located at 941 W. Morse Boulevard

CRA Director Dori DeBord provided a Powerpoint presentation which covered the timeline and background, proposed project terms and advantages, valuation breakdown for both buildings (941 W. Morse Boulevard and 1150 N. Orange Avenue), exchange agreement highlights and terms for consideration.

Ms. DeBord explained that the Commission directed staff to evaluate development configurations for 1150 N. Orange Avenue. Planning Director Jeff Briggs provided three possible development scenarios (office development, multi-family development or senior assisted living/memory care facility) and explained each scenario. He clarified that the scenarios were all under the assumption that the Palmetto Avenue right-of-way was vacated.

Ms. DeBord stated that staff recommends approval of the exchange agreement subject to due diligence findings and converting the variable CRA contributions to a fixed annual payment. Ms. DeBord answered questions regarding property values, potential revenue for the City, contract terms, the reverter clause and values for on-site retention of stormwater.

Attorney Brown mentioned that he reviewed the exchange agreement and wanted to add one additional item: the reverter clause needs to be something more than requiring CNL/Progress Point LLC to apply for a conditional use. He suggested that they clarify the agreement to make it clear that after the reverter period ends that they cannot sell the property or assign it.

Commissioner Cooper said this agreement does not protect the City from anything and there needs to be further negotiations before finalizing the deal. She asked that a clause be added to the exchange agreement that says "should the developer benefit from up-zoning within two years of Certificate of Occupancy that the City receives compensation." Ms. DeBord noted that they have not addressed this specific issue. Commissioner Cooper felt that these negotiations should not take place on the dais and suggested that a professional realtor assist staff with negotiating this deal so that a fair value is established and that it guarantees new jobs and a new building.

Paul Ellis, President of CNL Real Estate/Progress Point, summarized their original proposal with the swapping of the two sites. He addressed that it is an opportunity to bring new corporate citizens to the area, for the City to maintain land ownership and the potential opportunity to create more value in shared infrastructure and multi-use planning with Casto. He said it is also important to understand that they did not ask for development incentives, entitlement increases, economic incentives, impact fee credits or zoning changes.

Mr. Ellis spoke briefly about their proposal values. He explained that they averaged the two appraisals completed to date (\$5,771,850) and the total consideration value of their proposal is \$5,932,554. He noted that the land value for the Orange Avenue site is \$4,791,900, guaranteed CRA payment of \$420,000 (\$30,000 fixed payment over 14 years once the building is constructed and occupied), State Office Building demolition cost \$287,154, and the tree canopy easement valued at \$433,500. Mr. Ellis also advised that they will spend \$200,000 in preparing a conditional use permit so they will have significant dollars invested during the due diligence

period. He mentioned that the City will receive annual tax revenues and annual utility revenues and job creation. Mr. Ellis mentioned that the only item they will not agree on is the reverter clause since it is impossible to finance the building construction with a reverter clause in place so in order for them to execute the financing they have to remove the reverter clause. Mr. Ellis then answered questions.

Mayor Bradley said this is a very intriguing deal and they need to be considerate of it but questioned the values and appraisals of both properties.

Commissioner McMacken said it comes down to the differential between the appraisals and the property values associated with each property. He mentioned that in all of their previous conversations they talked about having a non-performing City asset so the thought of having a corporate headquarters occupy the site which would bring in or retain professional jobs into the City is a positive opportunity but he also wants to make sure that the City receives a fair price. He also mentioned that as negotiations continue they need to look at abandoning the portion of Palmetto Avenue that goes through the Progress Point parcel of land because he felt it will create additional value which could help the discrepancy in dollars.

There was a suggestion to hire a third party consultant to provide a third appraisal for consideration. Ms. DeBord said they would first have to make sure the appraiser is acceptable to both CNL and the City and would take approximately four weeks to complete. She let the Commission know that if they choose this option it will slow down the entire process and suggested shortening the due diligence timeframe and the closing timeframe which would help CNL meet their deadline.

Commissioner Cooper said she has heard from many citizens who think this is a bad deal and they would prefer to see the building leveled, the property sodded and for the City to retain the land until they have made decisions relative to their future civic venue needs. She mentioned that there are numerous ways to quantify the difference in values. She agreed that they need to get a third party appraisal but they also need to figure out what the jobs are worth, what the development is worth and further define how CNL is going to guarantee performance and if these things cannot be done then maybe now is not the right time. She felt that Winter Park does not have any financial need to liquidate their best asset. This discussion continued after the recess and public comments were taken.

A recess was taken from 5:43 p.m. to 6:07 p.m.

Public Comments

Bill Shallcross, 1450 Bonnie Burn Circle, spoke about recycling and garbage pickup. He mentioned that this week he will be riding behind one of the Waste Pro trucks so he can get a better handle on the recycling in Winter Park.

Patrick Chapin, Winter Park Chamber of Commerce, thanked city staff, police and fire for their extraordinary efforts during the rainy Art Festival this year.

State Office Building discussion continuation

Attorney Brown advised that currently the due diligence period in the contract states "if either party for any reason whatsoever can decide not to go forward at the end of the 60 days" which tells him that if they are working towards obtaining a third appraisal during the 60 day period, that could be a basis to not go forward.

Commissioner Leary said he understands CNL's position with the reverter clause and suggested using an acceleration clause because that would help guarantee that the City would receive the \$420,000 payment especially since the City cannot be guaranteed full occupancy of the building. He said this is the most valuable deal that has been presented to them and he likes that the City would be acquiring additional land.

Motion made by Commissioner Sprinkel that: #1) the City Manager, the City Attorney and the Director of Economic Development use whomever they need to come up with a value and determine what both properties are worth and how they reached that delta; #2) whatever reverter clause that they need along with their strong schedule as part of how this is going to move forward and; #3) a clarification that the property cannot be sold or flipped by someone very quickly after this is done and to bring this back to them in two weeks. Commissioner Sprinkel said it is fine with her if they need to move forward with another appraisal or if they can agree to this without doing the third appraisal. **Motion was seconded by Commissioner Leary for discussion.**

Motion amended by Commissioner Cooper that the exchange agreement clearly defines the new office project as at least 75,000 square feet of class "A" office; seconded by Commissioner McMacken for discussion.

Motion amended by Commissioner Cooper that the reverter clause be tied to a date certain by which vertical construction commences not by conditional use application; seconded by Commissioner McMacken for discussion.

Motion amended by Commissioner Cooper for staff to adjust in their value calculations to reflect a value for the off-site stormwater at Lake Island Park or delete from the exchange agreement. Motion failed for lack of a second.

Motion amended by Commissioner Cooper that a clause be added that requires additional compensation should the developer benefit from property up-zoning within 24 months of certificate of occupancy; seconded by Commissioner McMacken for discussion.

Mayor Bradley asked that Commissioner Sprinkel restate her motion. **That the City Manager, the City Attorney and the Director of Economic Development and CRA bring back to them in a two weeks period three things to make a decision on: #1) the value of the two properties; #2) strong schedule; and #3) clarification on the inability to sell the property.**

Commissioner Sprinkel explained that she was a little distressed by the number of citizens that wrote to her saying that they understand that the Commission is making a bad land swap. To hear this before their decision was even made was very disturbing to her because it seems as if citizens are working under one set of ideas or are being fed incorrect information. She said what it really comes down to is people not seeing the big picture and being misinformed. She

pointed out that as everyone can see during tonight's meeting the Commission is working really hard to come up with the best deal for everyone in the City.

Bill Shallcross, 1450 Bonnie Burn Circle, said he wants what is best for Winter Park.

Sally Flynn, 1400 Highland Road, stated that the exchange of these two properties is not equitable and not acceptable to numerous citizens in Winter Park. She then provided the Deputy City Clerk with petitions from numerous citizens who are against this deal.

Tom Shutts, 2010 Brandywine Drive, said this not an even land swap and shared his concern with the environmental issues on the Progress Point site specifically the PCB's and arsenic that is in the ground and need to be cleaned up.

Julie Zimmerman, 250 Carolina Avenue #402B, said the third appraisal should be done on both properties.

Gene Randall, 1285 Richmond Road, urged the Commission to re-evaluate their position and recalculate the value of the land.

John Rogers, Jr., 1002 Temple Grove, felt this is not a good deal for Winter Park taxpayers.

Richard Baldocchi, 2301 Forrest Road, said there is no urgent need to sell right now and cautioned the Commissioners from the selling the property.

Robert Hartnett, 401 Lakewood Drive, said he is concerned that the City is thinking about selling or trading this property especially when they really don't need to.

Pete Weldon, 700 Via Lombardy, thinks the level of flexibility that is being shown by CNL is inadequate and would like to see a lot more from them.

Nancy Shutts, 2010 Brandywine Drive, is excited and agreed with Commissioner Sprinkel's motion. She said the state office building is a prime piece of property and she felt that the City does not need to give a developer any incentives to purchase prime property in Winter Park.

Patricia McDonald, 2348 Summerfield Road, said both properties are not of equal value and it is not a fair deal for Winter Park residents. She commented that the Commission should wait until property sales and values improve and urged the Commission to keep the citizens informed on the details of this deal as they proceed.

Donna Colado, 327 Beloit Avenue, suggested that the Commission encourage CNL to build on their own property.

Joe Terranova, 700 Melrose Avenue, concurred with Commissioner Sprinkel's motion and urged the Commission to work out the details on the valuation because it is a good project.

Patrick Chapin, Winter Park Chamber of Commerce, said this is an exciting deal and urged the Commission to take their time while making their decision.

Eric Rosoff, 1247 Via Salerno, recommended that staff investigate the arsenic cleanup before making a final decision. He suggested that CNL sell their land and purchase the state office building outright from the City and then they can do whatever they want with the property.

Jim Moreland, 1618 Neola Trail, said there are numerous ways to address the issue regarding the reverter clause. He said a performance bond is controllable and suggested they look into this.

Paul Rutledge, 1911 Summerland Avenue, said he would love to see this property get developed.

David Winters, 1251 Palmer Avenue, urged the Commission to take their time in making their decision.

Paul Ellis, President of CNL, said the City controls the entire process and this is something that they fear because they have a timeline that they are trying to meet. If they cannot file their conditional use by a certain date a penalty is to be paid and they could lose their potential tenants and it is not fair. He said they are willing to put a timeline on the table but they feel the City cannot guarantee to meet their timeline because as of yet the City has not offered up a guarantee on their own process.

Upon a roll call vote on the amendment (that the exchange agreement clearly defines the new office project as at least 75,000 s.f. of class "A" office). Commissioner Cooper clarified that Class "A" office be defined as industry standards. Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote on the amendment (that the reverter clause be tied to a date certain by which vertical construction commences not by conditional use application), Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote on the amendment (that a clause be added that requires additional compensation should the developer benefit from property up-zoning within 24 months of certificate of occupancy). Commissioner Cooper added "or for 24 months after" when she restated her motion prior to roll call vote. Mayor Bradley and Commissioners Leary and Sprinkel voted no. Commissioners Cooper and McMacken voted yes. The motion failed with a 3-2 vote.

Upon a roll call vote on the main motion that the City Manager, the City Attorney and the Director of Economic Development and CRA bring back to them in two weeks period three things to make a decision on: 1) the value of the two properties; 2) a strong schedule and 3) clarification on the inability to sell the property, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken from 7:31 p.m. to 7:44 p.m.

Public Hearings

- a. RESOLUTION NO. 2094-11: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING DIXIE PARKWAY AND WILLIAMS DRIVE; WHICH IMPROVEMENTS BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

Attorney Brown read the resolution by title. **Motion made by Commissioner Leary to adopt the resolution; seconded by Commissioner Sprinkel.** 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.**

- b. ORDINANCE NO. 2858-11: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, REPEALING SECTIONS 62-51 AND 62-53 OF THE CITY CODE, AND AMENDING SECTION 62-52 OF THE CODE, AS REQUIRED BY CHAPTER 2011-109, LAWS OF FLORIDA; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Sprinkel.** 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.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA VACATING AND ABANDONING THE EASEMENT LOCATED AT 1500 SUMMERLAND AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. **Motion made by Commissioner Leary to accept the ordinance on first reading; seconded by Commissioner Sprinkel.** 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.**

City Commission Reports:

- a. Commissioner Leary

Commissioner Leary provided feedback to a public comment that was made during the State Office Building discussion regarding citizens not being informed on upcoming decisions. He disagreed and felt that the real issue is that many citizens are being misinformed as to where the Commission is headed particularly on the State Office Building topic since current negotiations are still being discussed. He believed that the newsletters/papers that are being sent out by Commissioner Cooper are misleading or misrepresenting the position of each Commissioner and where they stand on certain topics so it is not a matter of not being informed but rather being misinformed.

b. Commissioner Sprinkel

1. Commissioner Sprinkel announced that the Winter Park High School Homecoming is this week.
2. Commissioner Sprinkel mentioned that she received a letter from Representative David Simmons regarding an upcoming meeting next Friday on SunRail. She let City Manager Knight know that if they need someone to represent the Commission she would be more than happy to attend.
3. Commissioner Sprinkel mentioned she received an anonymous letter about cleaning up a property on Fairbanks. City Manager Knight advised that Code Enforcement is working with the property owner to get it cleaned up.
4. Commissioner Sprinkel shared her frustration with the misinformation that the citizens are receiving and said it is very misleading.

c. Commissioner Cooper

1. Commissioner Cooper addressed the Veterans Program being held on November 11 at the Community Center.
2. Commissioner Cooper mentioned this week is the Legends reunion at the Mayflower and Full Sail Winter Park Regional.
3. Commissioner Cooper welcomed a new business to the area, US Sign Works, located at 8075 Orlando Avenue, Suite T.
4. Commissioner Cooper responded to the issue relative to being misinformed. She said it is troublesome to hear these comments and said if there is a specific item that needs to be addressed to let her know so she can fix it.

Mayor Bradley said he received several citizen comments stating that Commissioner Cooper sent out a newsletter saying she is in the minority on the State Office Building decision and asked how that could be when she voted in favor of it. Commissioner Cooper said she is generally in the minority these days.

d. Commissioner McMacken

Commissioner McMacken requested that the City acknowledge the anonymous donor who provided the new landscaping at the post office. City Manager Knight acknowledged the request.

e. Mayor Bradley

1. Mayor Bradley reminded everyone that in two weeks there will be a football game at Rollins College and he is hoping that they can conclude the Commission meeting by 7 p.m. so they can attend the game.

The meeting adjourned at 8:04 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham