

REGULAR MEETING OF THE CITY COMMISSION
October 8, 2012

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:34 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

The invocation was provided by Reverend Talia Raymond, First Congregational Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley (departed 5:07 pm)
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 Commissioner McMacken to accept the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.

Mayor's Report

a. Proclamation – City of Winter Park's 125th Anniversary

Mayor Bradley proclaimed October 12, 2012 as Winter Park's 125th Anniversary Day and encouraged all residents and citizens to participate in the celebration festivities.

b. Presentation – Purchasing Division's Achievement of Excellence in Procurement Award

Mayor Bradley recognized the City's Purchasing Department for receiving the 2012 Achievement of Excellence and Procurement Award from the National Procurement Institute for the third consecutive year. Mayor Bradley thanked Purchasing Director Carrie Woodell and Purchasing Agents Anthony Durrum and Jennifer Jones on their outstanding achievement.

c. Proclamation – Public Power Week

Mayor Bradley announced that the electric utility has successfully repaid the \$14.3 million loan from the City that was originally issued for legal costs and start-up investment two years ahead of schedule. This means revenues from the utility can continue to be used to further its priorities including the undergrounding of the power lines and additional infrastructure improvements. Mayor Bradley proclaimed

October 7-13, 2012 as "Public Power Week." Electric Utility Director Jerry Warren was present to accept the proclamation.

City Manager's Report:

a. Denning Drive Project

Public Works Director Troy Attaway explained that in working with the Winter Park Health Foundation we are able to secure grant funding to perform a multi-modal study of Denning Drive if it were two lanes. The study will encompass vehicular traffic counts and the potential impact on local businesses and residents, multi-modal improvements for pedestrians and bicycles along with the pros and cons for possible implementation of the plan. Mr. Attaway asked for direction.

Commissioner McMacken mentioned that there was no backup provided in the agenda packet and requested that this item come back with a scope outlining the services. A majority of the Commission agreed for City Manager Knight to place this on a future agenda for discussion and to include what the long term plan would be, several alternatives and goals. City Manager Knight acknowledged.

Commissioner Sprinkel asked if we currently have some of this data and if staff would provide that information. Mr. Attaway said yes and acknowledged.

Water Sewer Rate Study

City Manager Knight advised that today's discussion will have to be postponed due to our consultant being very ill. Following a brief discussion, the Commission agreed to schedule this item for some time in November.

Miscellaneous

City Manager Knight advised that he is in the process of scheduling another shade meeting regarding police union negotiations.

City Manager Knight announced that today the City received the draft CDD petition on the Ravaudage project.

City Attorney's Report

Commissioner Sprinkel asked for direction pertaining to information sent by Attorney Brown regarding discrepancies with the Charter and the super majority ordinances. Attorney Brown said he could prepare the proposed amended ordinances so they are consistent with the Charter. A majority of the Commission agreed that Attorney Brown should review this item and bring recommendations forward for discussion in November. Attorney Brown acknowledged the request.

Non-Action Item

a. Financial Report- August 2012

Finance Director Wes Hamil presented the financial report for August 2012 and answered questions.

Motion made by Commissioner Cooper to accept the financial report; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda

- a. Approve the minutes of 9/24/2012.
- b. Approve the following purchases and contracts:
 1. Blanket Purchase Order to GATSO USA for Red Light Safety Enforcement (RFP-13-2009); \$496,800
 2. Blanket Purchase Order to ENCO Utility Service for FY13 Professional Services (Operations & Maintenance); \$2,000,000
 3. Blanket Purchase Order to Seminole Electric Cooperative, Inc. for FY13 Purchase of Bulk Power (ITN-33-2010); \$8,944,000
 4. Blanket Purchase Order to Progress Energy for FY13 Bulk Power (ITN-33-2010); \$18,000,000
 5. Blanket Purchase Order to Progress Energy for FY13 Transmission Services (ITN-33-2010); \$2,392,180
 6. Blanket Purchase Order to Air Liquide Industrial Company for FY13 for Liquid Oxygen for Water Treatment Facilities; \$170,000
 7. Blanket Purchase Order to Odyssey Manufacturing Company for FY13 for 12.5% Sodium Hypochlorite for Water & Wastewater Treatment Facilities; \$180,000
 8. Blanket Purchase Order to Stephen's Technology for FY13 for Trenchless Repairs to Sanitary Sewer Mains; \$185,000
 9. Blanket Purchase Order to Perma-Liner Industries for FY13 for Lateral Lining Materials for Sewer Repairs; \$85,000
 10. Blanket Purchase Order to Winter Park Public Library for FY13 for Organizational Support; \$1,351,560
 11. Blanket Purchase Order to Aetna for Administrative Contract Service Fee for Medical Insurance (RFP-6-2007); \$290,889
 12. Blanket Purchase Order to Aetna for Administrative Stop Loss for Medical Insurance (RFP-6-2007); \$466,022
 13. Blanket Purchase Order to Metlife for Dental Insurance (RFP-18-2008); \$373,475
 14. Blanket Purchase Order to Lina (Cigna) for Life, Accidental Death and Dismemberment and Long Term Disability Insurance (RFP-19-2008); \$123,678

15. Blanket Purchase Order to Hylant Group for Benefit Consulting Services (RFP-3-2009); \$66,464
 16. Blanket Purchase Order to Masci General Contractor, Inc. for Fairbanks Avenue Roadway and Wastewater System Improvements (IFB-10-2012); \$6,218,312.25
 17. Blanket Purchase Order to Waste Pro of Florida for Residential Garbage, Yard Waste & Recycle Service (RFP-6-2009); \$2,053,600
 18. Blanket Purchase Order to City of Altamonte Springs for FY13 for Wholesale Sewer Treatment; \$125,000
 19. Blanket Purchase Order to SSNOCWTA for FY13 for Operation & Maintenance; Depreciation; \$645,000
 20. Blanket Purchase Order to City of Orlando for FY13 for Sanitary Sewer Charges; \$1,850,000
 21. Blanket Purchase Order to City of Orlando for FY13 for Improvements at the Iron Bridge Regional Water Reclamation Facility; \$165,000
 22. Blanket Purchase Order to City of Orlando for FY13 for Sanitary Sewer charges for McLeod/Asbury; \$385,000
 23. Blanket Purchase Order to Duval Asphalt for E-Z Street Cold Asphalt; \$50,000
 24. Blanket Purchase Order to Avanti International for AV-118 Chemical Grout; \$65,000
 25. Blanket Purchase Order to Xylem Water Solutions for Repair of Flygt Products, Service Repair & Warranty; \$65,000
 26. FY12 Purchase Order 148048 to A Budget Tree Service for dead tree removal (RFP-4-2012); \$183,500
 27. Blanket Purchase Order to William J. Peebles for State Lobbyist Services; \$52,000 - **PULLED FOR DISCUSSION, SEE BELOW**
 28. Blanket Purchase Order to Shutts & Bowen for Labor Attorney Services; \$80,000
 29. Blanket Purchase Order to Brown, Garganese, Weiss & D'Agresta for Attorney Services (RFP-21-2009); \$320,000 - **PULLED FOR DISCUSSION, SEE BELOW**
 30. Products and Services Agreement 120800578287 with Centurylink Sales Solutions, Inc. for T1 Circuit; \$5,331
 31. Products and Services Agreement 120900580553 with Centurylink Sales Solutions, Inc. for Internet Access Circuit; \$6,240
 32. Renewal of Commercial Insurance package with Brown & Brown; authorize the Mayor to execute the renewal document and approve subsequent purchase order; \$643,766
 33. Piggybacking Volusia County Contract 11B-128PW with Master Protection dba Firemaster for Fire Extinguisher, Inspections, Repairs and Parts
- c. Authorize the City Manager, in consultation with the City Attorney, to sign purchase orders for payment of HIDTA personnel and operations, subject to the condition that the HIDTA grant funds will be the sole source of money to pay these obligations and to authorize purchase orders in the amounts of \$54,000, \$68,000, \$108,000 and \$150,000 for several independent contractors who

provide specialized and confidential investigative services on behalf of HIDTA; and authorize a purchase order in the amount of \$98,000 for facility expenses of HIDTA.

- d. Approve the Interlocal Agreement with Orange County regarding the reimbursement for Phase II of the Minnesota Avenue Drainage Design Project. – **PULLED FOR DISCUSSION, SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda items 'a', 'b.1-26, 28, 30-33' and 'c'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item 'b.27' - Blanket Purchase Order to William J. Peebles for State Lobbyist Services; \$52,000

Commissioner Cooper mentioned that the Commission unanimously approved in November 2011 to review all professional contracts every five years. She asked City Manager Knight if this contract is going to be reviewed and/or bid so we can be consistent with our policy. City Manager Knight responded to questions and asked for direction.

Motion made by Commissioner Sprinkel to keep William J. Peebles contract in place for right now and to review/look at bidding it out next year; seconded by Mayor Bradley and approved by acclamation with a 5-0 vote.

Consent Agenda Item 'b.29' – Blanket Purchase Order to Brown, Garganese, Weiss & D'Agresta for Attorney Services (RFP-21-2009); \$320,000

Motion made by Mayor Bradley for the City Commission to perform an evaluation/review of our City Attorney in the next month and that the current contract be extended for this quarter until such time as that review is complete and the Commission can discuss it; seconded by Commissioner Leary for discussion. Commissioner Cooper stated that she does not support yearly public reviews of our City Attorney and was very uncomfortable when this was conducted several months ago. **By acclamation Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.**

Consent Agenda Item 'd' – Approve the Interlocal Agreement with Orange County regarding the reimbursement for Phase II of the Minnesota Avenue Drainage Design Project.

Motion made by Mayor Bradley to approve Consent Agenda item 'd' and asked for clarification; seconded by Commissioner McMacken for discussion. Public Works Director Troy Attaway provided background and answered questions. **The motion was approved by acclamation with a 5-0 vote.**

Action Items Requiring Discussion

a. Strategic Plan

Motion made by Commissioner Leary to table the strategic plan discussion to the next meeting; seconded by Commissioner McMacken. Upon a roll call vote, Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried with a 4-0 vote. (Mayor Bradley was not present).

b. Notice of Intent to Dispose of property at 845 West New England Avenue

CRA Director Dori Stone provided background regarding the request to advertise the Notice of Intent to Dispose (NOD). Ms. Stone noted that if the Commission moves forward tonight with this item, it will come before the CRA Advisory Board and the Commission in November. Ms. Stone answered questions pertaining to the advertising costs and the potential value of the property.

Discussion included how much money the City has contributed to date to the Hannibal Square Community Land Trust and if there is a need for affordable housing in the City. Commissioner Cooper asked that an analysis be provided regarding the proper ratio of affordable housing. Ms. Stone acknowledged.

Mayor Bradley reminded the Commission that the action before them is whether or not they approve to advertise the NOD.

Motion made by Commissioner Cooper to approve (to advertise the NOD); 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. Request for Waiver of the One Year Time Period for Reapplication for Comprehensive Plan/Rezoning at 861 W. Canton Avenue

Planning Director Jeff Briggs provided background and answered questions. A brief discussion included the request for waiver and what type of project the applicant intends to apply for based on the backup information in the agenda packet.

Mayor Bradley reminded the Commission that the action before them is whether or not they approve the request for waiver of the one year time period.

Motion made by Mayor Bradley to approve the request; 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.

Public Hearings

- a. Request of Rex-Tibbs Construction, Co., Inc. for the property at 271 N. Pennsylvania Avenue:

ORDINANCE NO.: 2887-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO MEDIUM-DENSITY RESIDENTIAL ON THE PROPERTY AT 271 N. PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second reading

ORDINANCE NO.: 2888-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION OF COMMERCIAL (C-3) DISTRICT TO MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT ON THE PROPERTY AT 271 N. PENNSYLVANIA AVENUE, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING; CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second reading

Attorney Brown read the ordinances by title. Mayor Bradley announced this is a simultaneous public hearing. Additional ex-parte communications that transpired after the first reading were provided. Commissioner Cooper noted that she spoke with the owner.

Motion made by Commissioner Leary to adopt the (comprehensive plan) 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.**

Motion made by Commissioner Cooper to adopt the (zoning) 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.**

- b. Request of Winter Park Town Center Development LLC for the property located at 940 W. Canton Avenue:

ORDINANCE NO.: 2889-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" IN THE FUTURE LAND USE ELEMENT SO AS TO CHANGE THE COMPREHENSIVE PLAN FUTURE LAND USE MAP DESIGNATION FOR THE PROPERTY LOCATED AT 940 W. CANTON AVENUE FROM OFFICE TO HIGH DENSITY RESIDENTIAL AND TO CHANGE THAT PROPERTY'S DESIGNATION ON THE MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO ADD A NEW POLICY PROVIDING FOR NEW RESIDENTIAL DENSITY ALLOWANCES FOR AND LIMITED TO THE PROPERTIES AT 940 AND 1020 W. CANTON

AVENUE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.
Second reading

ORDINANCE NO.: 2890-12: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE III "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE THE ZONING DESIGNATION FOR THE PROPERTY LOCATED AT 940 W. CANTON AVENUE FROM OFFICE (O-1) DISTRICT MULTI-FAMILY (HIGH DENSITY R-4) DISTRICT AND TO CHANGE THAT PROPERTY'S DESIGNATION ON THE MAXIMUM HEIGHT MAP FROM A MAXIMUM THREE STORIES TO A MAXIMUM FOUR STORIES AND TO AMEND THE C-1 COMMERCIAL DISTRICT TEXT PROVIDING FOR NEW RESIDENTIAL DENSITY ALLOWANCES FOR AND LIMITED TO THE PROPERTY 1020 W. CANTON AVENUE; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second reading

Attorney Brown read the ordinances by title. Mayor Bradley announced this is a simultaneous public hearing. Additional ex-parte communications that transpired after the first reading were provided. Mayor Bradley spoke with Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed and several citizen emails were received. Commissioner Leary spoke with Rebecca Wilson, Lowndes, Drosdick, Kantor and Reed and drove by the site. Commissioner McMacken drove by the site. Commissioner Cooper had numerous conversations with staff and City Attorney.

Motion made by Commissioner Sprinkel to adopt the (comprehensive plan) ordinance; seconded by Commissioner Leary.

Motion made by Commissioner to adopt the (zoning) ordinance; seconded by Commissioner.

Barbara Hovanetz, 608 Langholm Drive, opposed to having three story buildings in the City and wanted to know the definition of medium to high density.

Mary Daniels, 650 Canton Avenue, said she would like to hear from the applicant first before commenting.

Rebecca Wilson of the Lowndes, Drosdick, Kantor and Reed Law Firm spoke on behalf of the applicant and addressed concerns regarding traffic and building height.

For the record, Commissioner Cooper voiced her opinion as to why she was voting against this. She stated that she likes the architecture, the opening along Denning Drive and the height but the problem is, if this piece of property were developed alone it would yield 109 units and in order to justify the 204 units we have to alter our Comprehensive Plan to allow the applicant the ability to capture the residential allowance on the adjacent property. She noted that the adjacent property has already been developed as part of Winter Park Village and that every parking space on that property is designated to fulfill the parking requirements of the village. The square footage on that property utilizes one half of the available FAR and the

additional development would require using the other part of that FAR. No matter how hard she tries she divides that out by the average unit size and cannot get to 204 units. She realizes they were approved at 140 units before and is comfortable with that, but beyond that she is going to have to vote against it. She said that she is proud to see the project go forward but would like it to be in accordance with either our existing comprehensive plan and codes without alteration or an allowance due to the fact that they had a prior approval for the 140 units. She addressed the difference in allowing 140 units versus 204 as to the number of cars and the number of demands on our schools and libraries. She spoke about her concern with doubling the number of units because of the double density which is why she was voting against this.

Upon a roll call vote on the first ordinance (comprehensive plan), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the second ordinance (zoning), Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Public Comment

Joe Terranova, 151 N. Virginia Avenue, suggested that if and when the City conducts the Denning Drive study that they also look at the undergrounding of the utilities because if the City is going to tear up the street to widen it there may be a cost savings to underground at the same time.

A recess was taken from 5:07 p.m. to 5:21 p.m. Mayor Bradley departed the meeting at this time.

City Commission Reports:

- a. Commissioner Leary - No items.
- b. Commissioner Sprinkel

Commissioner Sprinkel asked that the police summary report be distributed bi-monthly as done previously.

Commissioner Sprinkel thanked everyone for participating in the Sole Challenge event last weekend.

Commissioner Sprinkel thanked City Manager Knight for answering her questions regarding recycling and the difference between Waste Management and Waste Pro and for addressing bicycle riders on Park Avenue.

c. Commissioner Cooper

Commissioner Cooper announced the following:

- October 9, 6:00 p.m. in the Chambers - Public forum regarding the proposed tree ordinance
- October 11, 5:30 p.m. in the Keep Winter Park Beautiful board meeting room - Initial conversation on whether a resident has the right to have chickens
- October 13, 8:00 a.m. the Center for Independent Living is having their second annual "Stroll and Roll" event at Lake Baldwin

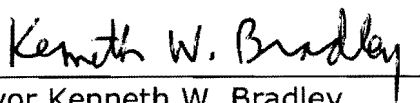
Commissioner Cooper spoke about the need for additional parking during the holiday season and suggested that both the City employees and Commissioners park their vehicles at the water plant lot or at the Blake yard to free up parking spaces for Park Avenue shoppers.

d. Commissioner McMacken

Commissioner McMacken reminded everyone that the Autumn Art Festival is this weekend and encouraged everyone to attend.

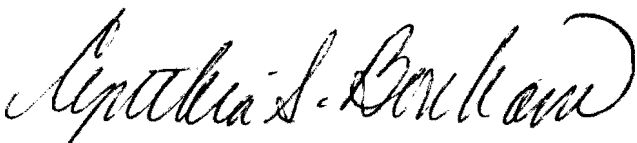
e. Mayor Bradley - No items.

The meeting adjourned at 5:26 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham