

REGULAR MEETING OF THE CITY COMMISSION
October 14, 2013

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:32 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 Commissioner Sprinkel to approve the agenda; seconded by Commissioner McMacken and approved by acclamation with a 5-0 vote.

Mayor's Report

a. Proclamation – Week of the Family

Mayor Bradley proclaimed November 2-9, 2013 as "Week of the Family" in Winter Park. Debbie Pratt, Vice Chair of Week of the Family Foundation and Genean McKinnon, Sponsor from The Church of Jesus Christ of Latter-day Saints was present to accept the proclamation.

b. Presentation – Employee of the Quarter; Luke Dunning, Operator 3, Lakes Division

Mayor Bradley recognized Luke Dunning, Operator 3, Lakes Division, as Employee of the Third Quarter 2013 and thanked him for his hard work and dedication.

c. Board Appointments:

- Code Enforcement Board:

Jennifer Frank (Appoint to regular position to fill remaining term of Fred Jones to 2014)

- Keep Winter Park Beautiful and Sustainable Board:

Carole Kostick (Appoint to regular position from alternate (to fill the remaining term of Myriam Garzon) to 2015)
Mark Roush (Appoint to alternate position)

- Pedestrian and Bicycle Board:
Susan Pins (Appoint to regular position to fill remaining term of Elizabeth Hemphill to 2015)

- Utilities Advisory Board:
Richard Jones (Appoint to alternate position)

Motion made by Mayor Bradley to accept the above board appointments as presented; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

City Manager's Report

941 W. Morse Boulevard (former State Office Building)

City Manager Knight noted that while attending the Alford Inn celebration last week, a representative from Brasfield & Gorrie advised him that the new commercial building is nearly complete. Furniture placement is expected by the first week of November and the certificate of occupancy by December 31, 2013.

Miscellaneous Items

1. The City of Winter Park Police SWAT team ranked #5 in the Central Florida Metro SWAT Competition last week.

2. The City's Parks and Recreation Department ranked as a finalist of four for the National Recreation Parks Association Gold Medal Award, an honor recognizing the best Parks and Recreation Departments in the Nation.

3. Commissioner McMacken said the Autumn Art Festival was a roaring success. He thanked each department and staff members for their outstanding efforts. Commissioner Leary thanked Commissioner McMacken for his assistance with the coordination/organizational efforts for the Autumn Art Festival.

City Attorney's Report

Per the request of City Attorney Larry Brown, an executive session meeting was scheduled for 2:30 p.m. on October 28. This is to discuss the proposed settlement offer in the Max Media Clear Channel billboard litigation and possibly the Capen House litigation pending confirmation that the lawsuit was actually filed.

Non-Action Item - No items.

Consent Agenda

- a. Approve the minutes of 9/23/13.

- b. Approve the following purchases, contract and formal solicitation:
1. Blanket Purchase Order to ENCO Utility Services for FY14 professional services (operations and maintenance); \$4,000,000.
 2. Blanket Purchase Order to Seminole Electric Cooperative, Inc. for FY14 purchase of bulk power (ITN-33-2010); \$2,300,000.
 3. Blanket Purchase Order to Duke Energy for FY14 power transmission for first quarter (ITN-33-2010); \$550,000.
 4. Blanket Purchase Order to Duke Energy for FY14 bulk power for first quarter (ITN-33-2010); \$3,700,000.
 5. Blanket Purchase Order to Air Liquide Industrial Company for FY14 liquid oxygen for water treatment facilities; \$150,000.
 6. Blanket Purchase Order to Odyssey Manufacturing Company for FY14 12.5% sodium hypochlorite for water & wastewater treatment facilities; and authorize the Mayor to execute the piggyback contract; \$150,000.
 7. Blanket Purchase Order to Stephen's Technology for FY14 trenchless repairs to sanitary sewer mains; \$185,000.
 8. Blanket Purchase Order to Perma-Liner Industries for FY14 lateral lining materials for sewer repairs; \$85,000.
 9. Blanket Purchase Order to Masci General Contractor, Inc. for Fairbanks Avenue Roadway and Wastewater System Improvements (IFB-10-2012); \$1,247,148.10.
 10. Blanket Purchase Order to City of Altamonte Springs for FY14 wholesale sewer treatment; \$126,500.
 11. Blanket Purchase Order to SSNOCWTA for FY14 operation & maintenance; depreciation per Interlocal Agreement; \$600,000.
 12. Blanket Purchase Order to City of Orlando for FY14 sanitary sewer charges for McLeod/Asbury; \$385,000.
 13. Blanket Purchase Order to Duval Asphalt for E-Z street cold asphalt; \$50,000.
 14. Purchase Requisition 153296 to City of Orlando for wastewater system revenue bond series 1984 – 30th Annual payment Asbury Park Agreement; \$231,493.10.
 15. Blanket Purchase Order to CH2M Hill for Fairbanks Avenue roadway & wastewater improvements; \$263,491.00.
 16. Blanket Purchase Order to DeYoung Law Firm for legal services under contract signed February 8, 2013; 50,000.
 17. Blanket Purchase Order to GATSO USA and to exercise the last renewal option for red light safety enforcement under RFP-13-2009; \$441,600.
 18. Piggybacking City of Daytona Beach contract Resolution 13-159 with USA Services, Inc. for mechanical sweeping service and authorize the Mayor to execute the piggyback contract; \$205,247.64.
- c. Authorize purchase orders of \$54,000; \$68,000; \$108,000 and \$150,000 for several independent contractors who provide specialized and confidential investigative services on behalf of the High Intensity Drug Trafficking Agency (HIDTA). Additionally, approve a purchase order of \$110,000 for facility expenses of HIDTA.

- d. Ratify the Winter Park Firefighter's Local 1598 IAFF Labor Contract.
- e. Approve the ground lease for Verizon for co-location of cell antennae on the public safety cell tower; authorize the Mayor to execute the ground lease and Memorandum of Lease (MOL)

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Commissioner Sprinkel.

Joe Terranova, 151 N. Virginia Avenue, asked to issue a monitoring program/report showing all of the data that is relevant to the red light camera program and its ongoing management and renewal. This is so the public can gain a better understanding of the program.

The motion was approved by acclamation with a 4-0 vote. Commissioner Leary was not present for the vote.

Action Items Requiring Discussion

- a. Senate Bill 50 and Resolution No. 1978-07

Attorney Brown provided a summary regarding the proposed resolution which complies with the recently adopted Senate Bill 50, Chapter 2013-227, Laws of Florida. He responded to questions and spoke about the allowance of a time certain for general public comment being addressed in the proposed resolution. A majority agreed that the specific language pertaining to advisory boards, special boards or any entity that the City creates, such as a task force, should be incorporated into the existing board ordinance (2843-11) so there is a clear understanding of the new law. Attorney Brown agreed.

Discussion ensued concerning Rule 12. In summary, Attorney Brown acknowledged the Commission's request to make the proper adjustments to both the resolution and the existing board ordinance and to bring them forward at the next meeting for adoption. City Manager Knight acknowledged the Commission's request to advise all of the advisory boards that they must follow the newly adopted law.

No public comments were made.

- b. Urban Forestry Management Plan (UFMP)

Assistant City Manager Michelle del Valle spoke about staff developing and finalizing the Urban Forestry Management Plan (UFMP) during the past year. The draft plan

was presented to the Commission on December 3, 2012 and to the Tree Preservation Board twice for comment and feedback. Individual educational sessions were provided to the Commissioners to gain a better understanding on the pruning and tree removal work that is being done by our contractors.

As of this date, staff has developed and completed the undergrounding rating system as it relates to the electric line conflicts. Implementation is underway. A 14 point tree risk assessment rating system has also been developed to determine tree removal.

Ms. del Valle explained that there are three sets of remaining questions/policy decisions that need to be addressed by the Commission in order to finalize and implement the plan. The three areas revolve around the right-of-way (ROW) maintenance, planting practices and species diversification. On September 30, the City held a community meeting which focused on these three topics. Staff utilized an interactive polling system to solicit feedback on the key policy questions and between 12-14 members of the audience participated.

This is a summary of the policy questions identified, the results of the feedback received at the community meeting and staff's recommendation for each. It should be noted that this citizen input is not a statistical sampling of the community and is for information purposes only.

	Community Meeting Feedback	Staff Recommendation
ROW Tree Maintenance:		
• Who should be responsible for maintenance of the trees in the ROW (including planting& watering, pruning and dead tree removal)	City – 100%	City
• If the City, How should we fund?	1. Growth in the Budget – 25%	Growth in the budget;
1. Growth in the Budget	2. Tax increase – specific to trees	annual review
2. Tax increase	– 67%	
3. Reduction in other services	3. Reduction in other services – 8%	
• If the adjacent property owner...	Continue to utilize City resources	Continue to utilize City resources
1. Do we continue to utilize city resources once the tree has been designated a high hazard?		
2. Implement more aggressive code enforcement?		
Planting Practices		
• Should the adjacent property owner have a say in the replanting process?	Yes – 75%	Yes
	No – 25%	
• Should the adjacent property owner be able to say “I don’t want a tree in the ROW in front of my home?”	Yes – 50%	Yes
	No- 50%	
• Should the adjacent property owner be able to select the species if appropriate for the planting space?	Yes, from a “pick list” – 89%	Yes
	No – 11%	
• Who should be responsible for watering new trees?	1. The adjacent resident – 29%	The adjacent resident on a voluntary basis
1. The adjacent resident	2. The City – 7%	
2. The City	3. The adjacent resident on a voluntary basis – 64%	
3. The adjacent resident on a voluntary basis		

Species Diversification			
• Should the City make an effort to diversify our canopy?			Yes - 69% No - 31%
• What % of New ROW trees planted should be oak?			Yes
1. 10%	1. 10% - 38%		A goal of planting no more than 50% oak in the ROW over the next five years. This is not a goal of reducing oaks to 50% of the canopy; it is a short term goal, specific to the planting of new ROW trees, to determine a five year impact of encouraging diversity.
2. 25%	2. 25% - 23%		
3. 50%	3. 50% - 8%		
4. 75%	4. 75% - 15%		
5. 100%	5. 100% - 15%		
• How should we encourage diversity on private property?			
1. We shouldn't; residents should plant what they want	1. We shouldn't; residents should plant what they want - 25%		Through a combination of tree giveaway's, educational materials and consultations.
2. Tree give away	2. Tree give away - 67%		
3. Educational Material	3. Educational Material - 8%		
4. Tree permitting process	4. Tree permitting process - 0%		

Discussion ensued regarding the above questions. Their feedback included the need for clearer definitions for canopy and ROW trees in the policy, to further educate the residents on the current tree policy and to explain in detail what exactly will change once the UFMP is in place.

Commissioner Cooper asked to place Mr. Lippi's study on the City's website so the residents can gain a better understanding of why certain trees are designated as hazardous versus what category they are in.

Urban Forestry Manager Dru Dennison addressed questions including routine maintenance for tree pruning, tree removal and replacement as well as hazardous mitigation measures that the City is currently undertaking.

In summary, a majority agreed that the UFMP needs to come back in a complete and holistic way. They need to address the three policy issues (right-of-way maintenance, planting practices and species diversification); have the Tree Preservation Board review the policy and provide feedback/recommendations on what should or should not be included in the plan; and then bring the final UFMP back to the Commission for consideration and adoption.

Public comments (5:00 p.m.)

Roberta Willenkin, 1580 Grove Terrace, spoke about the attempts she has made for assistance from the City over the past year regarding the diseased tree in her front yard within the City's ROW easement. City Manager Knight said he would contact her tomorrow.

Joe Terranova, 151 N. Virginia Avenue, provided feedback regarding the diversity of trees and the ROW tree maintenance.

Nancy Shutts, 2010 Brandywine Drive, provided several suggestions on how to obtain resident feedback regarding tree maintenance.

Lurlene Fletcher, 790 Lyman Avenue, asked if the City could trim the trees in her neighborhood and for the City to create alternative parking resources on the Westside for visitors who attend the events in our City.

A recess was taken from 5:10 p.m. to 5:25 p.m.

c. Visioning Planning Process

Planning and Community Development Manager Dori Stone explained that the Economic Development Advisory Board (EDAB) and Planning and Zoning Board (P&Z) have individually begun to review the final Comprehensive Plan Analysis report and recommendations prepared by Wallace, Roberts & Todd (WRT) dated September 2, 2013.

Ms. Stone explained that while the WRT study highlighted a number of recommendations, the principle theme behind the study showed the need for a shared consensus on a community vision. Staff has researched and put together a scope for the visioning process based upon a very usable model that has been used in communities around the state that requires a six to eight month process. The visioning process must have key participants that make the process work to include City of Winter Park citizens and community stakeholders, a Steering Committee made up of nine members that represent key stakeholders from a cross section of Winter Park and a resource team made up of City staff.

Ms. Stone advised that there is no money budgeted for this exercise; however, after speaking with the City's Purchasing Department staff recommends moving forward to see what this particular scope would require and how much it would cost. The Commission can then decide whether or not it is worth the money to move forward with the visioning exercise. She said in the meantime, both EDAB & P&Z would like to work on several of the key points brought out in the WRT study. These include discouraging the proliferation of sprawl, reconciling expectations of principal arterial corridors such as West Fairbanks and Orlando Avenue, any possible modifications to concurrency and addressing the lack of clear economic development goals in the Comprehensive Plan. Both boards have been discussing the study results and are interested in pursuing the recommendations in greater detail. Ms. Stone answered questions and asked for direction.

Discussion included the need for a formal process and to provide a variety of ways to reach out to the community for feedback such as scientific polling surveys, door to door surveys, community forums, social networking and public open houses. They spoke about the makeup of the Steering Committee, the associated benefits and return on investment if we proceed; and the need to make sure we have a

valid visioning statement before moving forward so that it syncs up to our Capital Improvement Plan and address any major deficiencies if there are any.

Following discussion, a **motion was made by Mayor Bradley to review the recommendations of the WRT study that we do the following: 1) ask the consultant if our adopted City vision "To be the best place to live, work and play in Florida" could accomplish what is necessary based on their recommendations; 2) ask the consultant if in their belief they believe that it is widespread or not and if they have recommendations on what we would have to do to implement that or embrace what would be necessary; and 3) that we ask staff to review the appropriate recommendations and assign that to advisory boards throughout our City and bring a report back to the Commission within 30 days and as part of the advisory board's recommendations on what should or shouldn't be done with the specific recommendation we would then seek staff input in that process; seconded by Commissioner Leary.**

Commissioner McMacken questioned if a formal motion is needed. Mayor Bradley said yes since this is an action item. Commissioner McMacken stated his personal preference would be to vote by acclamation rather than a roll call vote. No public comments were made.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

d. Territorial Agreement with Duke Energy Florida

Electric Utility Director Jerry Warren provided a PowerPoint presentation that included the background, City considerations, Genesis of Territorial Negotiations, City's requests, key elements of the proposed agreement, financial consideration, and options available.

Mr. Warren explained that over the last few years with the development of Ravaudage both the developer and the City informally notified Progress Energy and concluded that it would be best for the developer and the City to serve that area. Although no formal territorial agreement existed at that time portions of the Ravaudage area were included in the City's corporate limits as the boundary existed in December 2002. However, the majority of the area was in Duke's (formerly Progress Energy) service area (located outside the City limits as of December 2002).

With the beginning of development, the developer requested that Duke remove facilities and requested that the City serve the Ale House and future new customers. As a result of the City's and the developer's requests, the City and Progress Energy/Duke have been negotiating a territorial agreement for

approximately nine months. As a part of those negotiations, the City requested the following territorial concessions from Progress Energy/Duke:

- #1) The right to serve Ravaudage;
- #2) The right to serve City residents along Westminster Street and Berkshire Avenue. As a part of the transfer of distribution facilities and customers in 2005, these customers were assigned to then Progress Energy and the customers in unincorporated Orange County located in the Stonehurst area were assigned to the City. Although the Stonehurst area was not located within the City limits in December 2002 and should have been served by Progress Energy, that area is so far from Progress Energy's distribution facilities it was determined to be cost prohibitive for Progress Energy to serve. It should be noted that if Progress Energy were to serve those customers, the City would have been required to pay for the construction of the required facilities;
- #3) The right to serve City owned and operated facilities within reach of the City's electric distribution system.

Mr. Warren concluded that Progress Energy/Duke agreed to item #1 above, but rejected item #2 and #3. He explained that the proposed agreement provides for Duke to continue to serve its existing customers within the Ravaudage area. At such time(s) that the property is developed and new customers are created, the City will be entitled to serve those new customers. Following 12 months of service, the City will be obligated to pay Duke a payment of 2.5 times the electric billings for the preceding 12 months. This prevents the City from having to take the risk of non-development of the Ravaudage area through an estimate of future electric system revenues. The going concern payment of 2.5 times the annual revenues is typical in the electric utility industry when customer swaps take place as a result of territorial agreements.

Mr. Warren explained that there are approximately nine electric service accounts located along Lewis Drive north of Lee Road. These customers are considered temporary customers in that they are Duke's customers but due to the Ravaudage development it was easier for the City to serve this area. He said the City will be required to pay the 2.5 times the annual revenue amounts (estimated to be approximately \$39,000) within 60 days of the approval of the territorial agreement by the Florida Public Service Commission (FPSC). He clarified that the territorial agreement is for 20 years.

Mr. Warren addressed two customers located at 1451 Lee Road, Dry Clean World and Tetra Tech which are served from Winter Park electric lines, but are in Duke's existing territory. Both customers will become Winter Park customers upon approval of the territorial agreement and like the temporary customers will require a going concern payment equal to 2.5 times the annual revenue amounts (estimated to be approximately \$13,000) within 60 days of the approval of the territorial agreement by FPSC.

Discussion transpired regarding the estimated annual revenues and if we would have enough money from those profits to cover the potential expenditures related to our obligations under this agreement related to the Ravaudage development. Mr. Warren responded to questions and provided feedback regarding the risk factors involved.

Motion made by Mayor Bradley to approve the territorial agreement as presented; seconded by Commissioner Sprinkel. The pros and cons with the agreement were discussed. 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. ORDINANCE NO. 2940-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 34-30, TITLE AND OWNERSHIP OF LOTS AND SPACES IN THE CITY CEMETERIES, TO CLARIFY THE OWNERSHIP INTEREST THAT MAY BE CONFERRED AND TO ADD PROVISION FOR THE CITY TO REGAIN OWNERSHIP OF ABANDONED RIGHTS TO BE BURIED WITHIN A MUNICIPAL CEMETERY; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, 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.**

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 26 ARTICLE III "FILM INDUSTRY" TO STREAMLINE THE FILM PERMITTING PROCESS AND AMEND CERTAIN PROVISIONS. First Reading

Attorney Brown read the ordinance by title.

Building Director George Wiggins explained that all governments in the Central Florida area utilize the services of the Metro Orlando Film Commission to process film permits while maintaining any unique features or requirements of those participating governments. This includes Orange, Seminole, Lake and Osceola Counties and cities within these counties. We have reviewed their process and believe this can be accomplished expeditiously and allow us to collect any required fees for the permits. There is no charge for them handling this process. Currently, we electronically route film permits to the respective City Departments for approval and this process will continue and be handled by the Film Commission. Any conditions or limitations unique to the City will still be applicable and must be met by the applicant.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel.

Mr. Wiggins answered questions. Several members from Metro Orlando Film Commission were present to show their support and one spoke in favor.

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, AMENDING CHAPTER 74, PERSONNEL, ARTICLE V, RETIREMENT AND PENSION PLANS, DIVISION 4, FIRE FIGHTERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER PARK; AMENDING SECTION 74-201, DEFINITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Sprinkel. Fire Chief Jim White answered questions. 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 reported that last week he had the privilege of attending the Alford Inn reception and the Brookshire Homecoming and that both events were great.

b. Commissioner Sprinkel

Commissioner Sprinkel said she had a great time participating in the Center for Independent Living "Stroll and Roll" event last week.

Commissioner Sprinkel suggested that our visioning statement be displayed in the Commission Chambers so as to keep it in the forefront of everyone's mind.

c. Commissioner Cooper

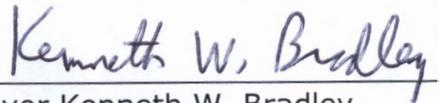
Commissioner Cooper invited everyone to attend her coffee talk this coming Thursday. She spoke about her recent trip to London and provided a brief outline regarding the licensing and auditioning process that street performers must adhere to. She attended Lee Mackin's retirement party today and thanked him for being

an incredible public servant. She reported that this Saturday morning is the groundbreaking ceremony for the Hannibal Square Community Land Trust.

d. Commissioner McMacken - no items.

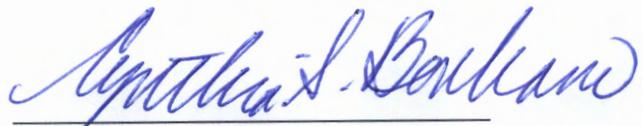
e. Mayor Bradley - no items.

The meeting adjourned at 7:13 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham