

**REGULAR MEETING OF THE CITY COMMISSION**  
**November 11, 2013**

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:35 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Mayor Bradley requested a moment of silence for our veterans and armed force members and to include the following members in our prayers; Cindy Bonham's mother, former Commissioner Butch Bundy and those individuals in the Philippines who were injured or passed away this week.

The invocation was provided by Parks and Recreation Director John Holland, 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:

Assistant City Manager Michelle del Valle  
City Attorney Larry Brown  
Recording Secretary Lisa Smith

**Approval of the agenda**

**Motion made by Commissioner McMacken to approve the agenda; seconded by Commissioner Sprinkel and approved by acclamation with a 5-0 vote.**

**Mayor's Report**

Mayor Bradley donated his mayoral salary to the "Feed the Need" campaign by presenting a personal check to Patrick Chapin, CEO, Winter Park Chamber of Commerce. He urged everyone in the community to give what they can to this worthy cause.

Mayor Bradley thanked everyone for the wonderful Veterans Day event and commended all of those who participated. He encouraged everyone to participate by walking in the "Mayor's Sole Challenge" event this Saturday at 7:00 a.m.

**City Manager's Report**

Assistant City Manager Michelle del Valle explained that the City recently met with Waste Pro to discuss contract negotiations for the expansion of residential recycling and commercial garbage consolidation. In the interim, Waste Pro has agreed to sign an addendum to exempt all residential construction projects from the franchise agreement. The addendum will be presented at the next Commission meeting.

Upon request, Planning and Community Development Manager Dori Stone advised that the Historic Preservation consultant Myles Bland will be presenting his report to the Historic Preservation Board this Thursday. She explained that the consultant's contract allows for a formal presentation and report be given to the Commission and asked if it should be placed on the November 25 agenda. A majority of the Commission recalled that they charged the Historic Preservation Board to bring back a formal recommendation(s) for consideration but welcomed receiving Mr. Bland's report in the interim. Ms. Stone acknowledged.

Ms. del Valle acknowledged the request to add the Winter Park Hospital Parking Garage project to the City Manager's report.

### **City Attorney's Report**

#### Capen House

Attorney Brown noted that this week his office will be filing the City's motion to dismiss the lawsuit, along with preparing the 21 day response letter.

#### Bell Litigation

Attorney Brown stated that his office received a letter from the Eleventh Circuit Court of Appeals in Georgia requesting to set aside the week of March 3, 2014 for oral argument in Jacksonville, Florida.

#### Max Media

Attorney Brown explained that there was a court hearing this past Friday whereby the judge gave the City until the middle of January to try and resolve this case. The judge also indicated that she does not see the need in deferring to FDOT since she feels capable of interpreting the law and regulations. Attorney Brown provided a brief status and answered questions posed by the Commission regarding the two different settlement options presented by Clear Channel.

**Motion made by Commissioner Leary to direct the City Attorney to bring back a settlement agreement that embodies the business terms in option 2 as presented; seconded by Commissioner McMacken.**

Patrick Chapin, Chamber of Commerce, spoke in favor.

Attorney Brown answered questions including the risks involved if we were to drop the lawsuit.

**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.**

**Non-Action Item** – No items.

### **Consent Agenda**

- a. Approve the minutes of 10/28/13. - **PULLED FOR DISCUSSION - SEE BELOW**
- b. Approve the following contracts:
  1. Piggyback City of Jacksonville Beach Contract No. 1213-03 with Heart Utilities of Jacksonville, Inc. for installation of underground electric infrastructure; and authorize the Mayor to execute the piggyback contract along with a purchase order for payment; \$1,500,000.00.
  2. Piggyback City of Orlando Contract No. IFB 10-0003 with Central Environmental Services, Inc. for demolition of residential and commercial structures; and authorize the Mayor to execute the piggyback contract along with a Purchase Order for payment.
  3. Sole source contract with NCH Corporation dba ChemSearch to install and maintain Bio-Amp Odor Control Systems for lift station Nos. 3, 11, 33 and 95; and authorize the Mayor to execute the contract along with a subsequent Purchase Order. - **PULLED FOR DISCUSSION - SEE BELOW**
  4. Contract renewal (Amendment 2 for IFB 20-2011, Auxiliary Generator Services) with CJ's Sales & Service of Ocala, Inc.; and authorize the Mayor to execute Amendment 2.
  5. Contract renewal with Ardaman & Associates, Inc., Amendment 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Geotechnical Services); and authorize the Mayor to execute Amendment 1.
  6. Contract renewal with Universal Engineering Sciences, Amendment 1 for RFQ-2-2012 Continuing Contract for Professional, Architectural & Engineering Services (Geotechnical Services); and authorize the Mayor to execute Amendment 1.
- c. Approve the Orange County/City of Winter Park Interlocal Utility Agreement regarding water/wastewater services.
- d. Authorize the Mayor to execute the Electric Power Purchase and Sale Agreement by and between the City Of Winter Park, Florida and Covanta Energy Marketing, LLC.

**Motion made by Commissioner Cooper to approve Consent Agenda items 'b.1-2', 'b.4-6', 'c' and 'd'; seconded by Commissioner Sprinkel. No public comments were made. The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'a', - Approve the Minutes of 10/28/13:

**Motion made by Mayor Bradley to amend the minutes, page 12, Public Hearing Item H, first sentence by adding "and Mayor Bradley turned the chair over to the Vice Mayor for the discussion period."; seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

Consent Agenda Item "b.3" - Sole source contract with NCH Corporation dba ChemSearch to install and maintain Bio-Amp Odor Control Systems for lift station Nos. 3, 11, 33 and 95; and authorize the Mayor to execute the contract along with a subsequent Purchase Order.

Water and Wastewater Director David Zusi answered Commissioner Cooper's inquiry regarding sole source. **Motion made by Commissioner Cooper to approve Consent Agenda item 'b.3'; seconded by Commissioner Sprinkel and approved unanimously with a 5-0 vote.**

### **Action Items Requiring Discussion**

a. Prioritization of recommendation from the WRT Study

Planning and Community Development Manager Dori Stone explained that on September 9, 2013, the City Commission received the findings of a study prepared by Silvia Vargas with WRT regarding policies and regulatory issues to economic development in the City's Comprehensive Plan and Land Development Code. After further direction from the Commission, a worksheet was prepared outlining each recommendation, related boards for review and a staff recommendation outlining possible timeframes for changes or implementation.

Ms. Stone explained that several of the tasks such as creating a framework for review by the Planning and Zoning Board and the Economic Development Advisory Board can be done immediately. Other changes, including policy changes that require changes to various policies in the Comprehensive Plan will be brought through the public hearing process as one of two large scale Comprehensive Plan Amendment cycles that the Planning & Community Development Department will schedule for 2014. The recommendation to wait until the Evaluation and Appraisal (EAR) report is based on the need for considerable data collection and analysis. The City's EAR is due in 2016. Staff intends to begin certain aspects of this review as early as 2015 based on the recommendations and necessary changes in Chapter 163. This recommendation will not preclude possible changes through the Large Scale Comprehensive Plan Amendment process should staff and the appropriate boards decide to bring forward policy changes based on corridor planning. Ms. Stone noted that staff intends to move proactively through this worksheet and both the Planning and Zoning Board and the EDAB have committed to facilitate appropriate discussions.

Commissioner Cooper suggested that a community wide visioning process be held to allow the public the opportunity to provide input prior to changing City policies or codes.

Ms. Stone answered questions related to the visioning statement, the evaluation process with concurrency and the large scale comprehensive plan amendment

process to help rectify the conflict between the Comprehensive Plan and Land Development Code.

**Motion made by Mayor Bradley to adopt staff's recommendation and the plan that is presented; seconded by Commissioner Leary.**

Mayor Bradley noted that the Denning Drive changes occurred within our current Comprehensive Plan adopted in 2009.

The following spoke in opposition to changing the Comprehensive Plan

Sally Flynn, 1400 Highland Road

Mary Randall, 1000 S. Kentucky Avenue

Dan Bellows, 411 W. New England Avenue

Elizabeth Posner, 350 Carolina Avenue

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

Public Comment (5:00 p.m.)

David Leavitt, 1100 Charles Street, Longwood, FL spoke in opposition to the red light camera ordinance and asked the Commission to not renew the contract.

A recess was taken from 5:02 p.m. to 5:18 p.m.

b. Downtown Parking Update

Public Works Director Troy Attaway explained that in June the Commission accepted the parking study and requested staff to create 100 additional parking spaces to the downtown area within 12 months. Mr. Attaway stated that during the June discussion the Commission selected the following projects listed below and provided a brief status update.

Morse Blvd restriping from Virginia Avenue to New York Avenue for 36 additional parallel parking spaces.

This was to be a trial solution during the holiday season with a future discussion to be made on its permanency. Striping project is on hold pending Commission discussion.

New York Avenue at Morse Boulevard restriping to add 5 additional parking spaces and to improve the Lynx bus eastbound to southbound turning.

Striping is on hold pending Commission discussion.

Mr. Attaway explained that the total parking spaces gained, with Morse Boulevard is 126 spaces and without Morse Boulevard is 90 spaces.

West Meadow parking area modification for 12 additional parking spaces.

Public Works has designed improvement and construction will be completed by November 30<sup>th</sup>.

Public Works offices relocation, demolition of the Public Works office building, and the paving of this area for 73 additional parking spaces.

Relocation plans have been completed. Modification to accommodate existing staff at other existing facilities will begin in December and be completed by February 28, 2014. Public Works building will be demolished and new parking lot constructed in March 2014 at which time the 73 new parking spaces will be available.

Commission discussion ensued regarding the West Meadow parking modifications and the potential impacts created by the additional parking lane buffer for the Lynx buses and if we should move forward or implement a trail period.

A question was raised by the Commission concerning the solutions presented by staff herein and if they are in line with the overall direction that was given since a majority recalled that back in June they accepted the parking study and asked staff to bring back a proposal on how we could add 100 parking spaces with a minimal cost in the next year. Assistant City Manager Michelle del Valle responded. She explained that during the Strategic Planning meeting on September 6 staff brought back the downtown parking information whereby the Commission provided direction and approval.

**Motion made by Mayor Bradley to accept the parking recommendations for the second time, that we implement the public works office building parking plan which is funded, as well as the West Meadow, and that we keep whatever the equivalent land that we take from the West Meadow, from the south corner of the West Meadow up to the equivalent feet, that it becomes no parking of any kind and implement the New York Avenue parking spots.** Mayor Bradley explained his intention is to keep a permanent perpetual green border along the West Meadow. For clarification purposes, Mr. Attaway said the buffer distance is approximately 12-14 feet. **The motion was seconded by Commissioner Leary for discussion.**

**Motion amended by Commissioner Cooper to remove the commitment to extend the parking into the West Meadow (to eliminate the 12 spots in West Meadow); seconded by Commissioner Sprinkel.**

**Motion amended by Mayor Bradley saying that if the amendment passes, that we never park in the West Meadow; seconded by Commissioner Sprinkel.**

The following spoke in favor:

Brian Wettstein, 329 N. Park Avenue  
Frank Vogelsong, 216 S. Park Avenue

The following spoke in opposition:

Vicki Krueger, 200 Carolina Avenue  
Stuart Karden, 350 Carolina Avenue

Kevin Wram, 300 S. Park Avenue  
Dan Bellows, 411 W. New England Ave.  
Patrick Chapin, Chamber of Commerce  
Woody Woodall, 328 N. Park Avenue

Mary Randall, 1000 S. Kentucky Ave.  
Sally Flynn, 1400 Highland Road  
Marti Miller, 1399 Aloma Avenue  
Kenneth Murrah, 1601 Legion Drive  
Forest Michael, 358 W. Comstock Ave.  
Joan Cason, 1915 Woodcrest Drive

Upon request, Mr. Attaway noted that the Blake Yard is currently used as an electric laydown area and can provide approximately 45 parking spaces.

**Motion amended by Commissioner Leary to restripe the Blake Yard to add 45 parking spaces; seconded by Commissioner Cooper.** A majority agreed with the suggestion to have the Blake Yard and the Swoope Water Plant discussion within the next few months so that staff can remain focused on the tasks at hand. Mayor Bradley asked that they also discuss the Downtown Parking District Plan; **Commissioner Leary withdrew his motion to amend; Commissioner Cooper agreed so long as they discuss these items in the next few months.**

**Motion amended by Commissioner Cooper to immediately allow the Park Avenue merchants, on an either first come first serve basis or give out permits, to utilize the parking at the Swoope Water Plant at New York Avenue and Swoope Avenue. Motion failed for lack of a second.**

**Upon a roll call vote on the first amendment, Mayor Bradley and Commissioner Leary voted no. Commissioners Sprinkel, McMacken and Cooper voted yes. The motion carried with a 3-2 vote.**

**Upon a roll call vote on the second amendment, Mayor Bradley and Commissioner Sprinkel voted yes. Commissioners Leary, McMacken and Cooper voted no. The motion failed with a 3-2 vote.**

**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. Proposed Settlement of Auction Rate Securities Claim

Finance Director Wes Hamil explained that on June 11, 2012 the City Commission authorized staff through special counsel to file a claim against the lead underwriters of the Water and Sewer Revenue Bonds, Series 2004 and the Electric Revenue Bonds, Series 2005. The claim was filed with the Financial Industry Regulatory Authority and relates to the failed auction rate security market through which these bonds were issued.

Mr. Hamil noted that this past week he and City Manager Knight participated in the mediation case and agreed to a settlement amount of \$655,000. However, the

agreement provides that all attorney expenses be paid up front which leaves us with an estimated settlement amount of \$410,000. All parties were notified that the final agreement would have to be presented to the City Commission for approval prior to acceptance. Since a draft agreement was not available for this meeting Mr. Hamil requested that the Mayor be allowed to execute the final agreement after the City Attorney approves the terms, conditions and final list of attorney expenses.

**Motion made by Commissioner McMacken to authorize the Mayor to execute the final agreement after the City Attorney approves the terms, conditions and final list of attorney expenses; 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.**

d. City Manager 2013 Performance Evaluation

Assistant City Manager Michelle del Valle explained that the recommended evaluation form which was included in the agenda packet mirrors the City's electronic performance evaluation and focuses on core values, job/leadership competencies and goals. She noted that the listed goals came directly from the comments made by the Commission during Mr. Knight's 2013 evaluation.

**Motion made by Mayor Bradley to approve what is being presented for 2014, which will be their evaluation period at the next meeting; seconded by Commissioner Sprinkel.** Discussion ensued regarding the Commission's compilation of goals and the overall process for implementation. Ms. del Valle answered questions and noted that staff will be working with the Commission on a quarterly basis to develop and implement the Strategic Plan. 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 Aloma Avenue Holdings LLC:

ORDINANCE NO. 2943-13: 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 MEDIUM DENSITY MULTI-FAMILY (R-3) DISTRICT TO OFFICE (O-2) DISTRICT ON THE PROPERTY AT 409 ST. ANDREWS BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner Leary 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. ORDINANCE NO. 2944-13: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING SECTION 2-48, GENERAL RULES APPLICABLE TO SUBSIDIARY BOARDS OF THE CITY; PROVIDING FOR, SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE. Second Reading

Attorney Brown read the ordinance by title.

**Motion made by Commissioner Sprinkel to adopt the ordinance; seconded by Commissioner Leary.**

**Motion amended by Commissioner Cooper to add language saying that in the City of Winter Park our boards will continue to allow public participation on quasi-judicial items and we will continue to allow public participation at each Planning and Zoning meeting for each item regardless of the closeness of the following commission meeting; seconded by Commissioner McMacken for discussion.**

Commissioners Leary and Sprinkel spoke in opposition of the amendment.

Stuart Kasden, 350 Carolina Avenue, encouraged that the amendment be passed.

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

**City Commission Reports:**

- a. Commissioner Leary

Commissioner Leary felt it would be advantageous for City Management to inform the Commission if citizens are not being allowed to speak at any of the advisory board meetings so the situation can be rectified.

- b. Commissioner Sprinkel

Commissioner Sprinkel said last week she met with the City's public accountant Moore, Stevens, Lovelace, CPA so they could gain insight from a Commissioner's perspective.

c. Commissioner Cooper

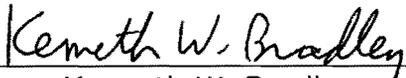
Commissioner Cooper thanked everyone for putting on a great Veteran's event last week. She announced that the Florida League of Cities voted City Attorney, Anthony Garganese as the Executive of the Year and congratulated him.

d. Commissioner McMacken – No items.

e. Mayor Bradley

Mayor Bradley challenged the Winter Park Voice to match his contribution to the Feed the Need Fund.

The meeting adjourned at 7:32 p.m.

  
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Mayor Kenneth W. Bradley

ATTEST:

  
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City Clerk Cynthia S. Bonham

City Clerk Cynthia S. Bonham