

REGULAR MEETING OF THE CITY COMMISSION
January 13, 2014

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Finance Director Wes Hamil, 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 Bill Reischmann
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

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

a. 2014 Election Proclamation

Mayor Bradley accepted the March 11, 2014 General Election Proclamation.

b. Re-appointment to the Orange County Community Action Board-Tom McMacken

Motion made by Mayor Bradley to re-appoint Commissioner McMacken; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Other comments: Mayor Bradley thanked City staff for their hard work in preparing, coordinating and assisting with last week's surprise homecoming parade for Army Lieutenant Charles Nadd.

City Manager's Report

City Manager Knight advised that the video camera has been recently installed in the Commission Chambers and that today's meeting will be broadcasted live for experimental purposes. Once finalized, this new feature will be publicly announced.

City Manager Knight announced that the City recently received \$2,238,282.15 as final reimbursement from the 2004 hurricane damages. The total reimbursement amount was \$18,148,938.98.

Quiet zones and the financing aspects were mentioned. Mayor Bradley recommended that this item be placed on the next agenda for discussion. City Manager Knight acknowledged.

City Manager answered questions. He noted that according to an article in today's newspaper the local Kmart store will be closing in March. He provided a brief summary regarding the commercial development projects that were either completed or began construction in 2013. He acknowledged the request to have this report posted to the City's website.

City Attorney's Report

Per the request of City Attorney Bill Reischmann, an Executive Session was scheduled for 2:30 p.m. on January 27 to discuss the MaxMedia billboard settlement negotiations and litigation expenditures.

Capen House

Attorney Reischmann stated that his office has filed the City's motion for sanction to dismiss and requested that a hearing be scheduled for formal ruling. Attorney Reischmann answered questions.

Non-Action Item – No items.

Consent Agenda

- a. Approve the minutes of December 9, 2013. – **PULLED FOR DISCUSSION, SEE BELOW**
- b. Approve the following purchases, contracts and formal solicitation:
 1. Purchase to HD Supply Waterworks, LTD for Stormtech Stormwater Chamber System for Park North Stormwater Exfiltration System; \$86,805.88.
 2. PR153926 to Hydra-Stop for Pressure Pipe Maintenance Repair System; \$68,968.05.
 3. Purchase and subsequent purchase order to Duval Ford & Isuzu to replace vehicles; \$144,861.00.
 4. Purchase and subsequent purchase order to Nortrax for two (2) new tractors; \$155,768.00.
 5. Piggybacking the City of Tallahassee contract #1555 and subsequent purchase order to Ring Power Utility Corporation for Buck & Boom Bodies and Equipment for a utility bucket truck; \$99,294.00.
 6. Blanket purchase order for External Audit Services to Moore Stephens Lovelace, PA; \$62,000.00.
 7. Contract renewal with ADPI/Intermedix for Fire Services Billing contract (RFP-16-2009) and authorize the Mayor to execute Amendment 7; \$72,000.00.
 8. Contract renewal with Gerhartz and Associates, Inc. for RFQ-16-2012 for continuing contract for GIS services and authorize the Mayor to execute Amendment 1.

9. Contract renewal with GATSO USA, Inc. for Red Light Safety Enforcement System (RFP-13-2009) and authorize the Mayor to execute Amendment 3.
10. Contract renewal with Universal Engineering Sciences for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services) and authorize the Mayor to execute Amendment 1.
11. Contract renewal with Ardaman & Associates, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Discipline: Geotechnical Services) and authorize the Mayor to execute Amendment 1.
12. Award to HD Supply Waterworks, Ltd. (IQ-1-2014) HDPE Pipe – 6" & 8" and approve PR154026; \$97,125.00.

Motion made by Commissioner Sprinkel to approve Consent Agenda items "b.1-12"; seconded by Commissioner Leary. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Consent Agenda Item 'a' – Approve the minutes of December 9, 2013:

Motion made by Commissioner Cooper to amend the minutes under the City Manager's Report by replacing "master planning" with "institutional master planning"; seconded by Commissioner McMacken and approved unanimously with a 5-0 vote.

Action Items Requiring Discussion

a. 90 Day Plan

City Manager Knight provided a brief update regarding the 90 day plan schedule. He explained that the train station grand opening date might possibly be moved from March 3rd to May 2nd since the new art work will not be installed until then and to allow for the old building to be demolished.

City Manager Knight asked the Commission about their availability for the next quarterly discussion of our strategic plan. A majority of the Commission agreed to place this item on the next agenda for scheduling purposes.

b. Urban Forestry Management Plan (UFMP)

Assistant City Manager Michelle del Valle explained that on October 14, 2013 the Commission requested staff to prepare a comprehensive document including final recommendations regarding policy issues based on feedback from the Tree Preservation Board.

The UFMP was presented to the Tree Preservation Board on November 21, 2013 with a series of identified policy recommendations whereby the Board unanimously approved the policies section by section. The Board also asked that the City

Attorney review all of the policies for legal sufficiency. The Board's final concern related to managing expectations. They were concerned that without proper language in the Ordinance community members would have false expectations about the level of service being provided by the City. On December 11, 2013 Attorney Larry Brown provided a letter acknowledging his review of the policies and also provided a recommended strategy for addressing the expectation concern at the time the ordinance is modified. Further, as part of the recommended strategies, a section titled *Evaluation* was included which recommends, "Immediately upon adoption and annually, set realistic expectations for residents regarding work expected to be performed."

The finalized UFMP is proposed to serve as a guide to efficiently and effectively maintain the urban canopy. As with any program designed to manage a living thing, this plan will require modification and update from time to time. The plan as prepared celebrates the vision of past community leaders to build Winter Park's beautiful canopy and provides a practical roadmap towards maintaining and renewing the canopy so that future generations may be proud of the future canopy.

Ms. del Valle explained that the estimated annual cost to contract for services that include ROW maintenance responsibilities are approximately \$950K annually (to complete one full cycle in seven years, recognizing the first cycle would be more costly than subsequent cycles). The FY 2014 budget includes \$310K for general contracted labor, and \$250K for dead tree removal and hazardous limb mitigation.

Urban Forestry Manager Dru Dennison provided a brief update regarding the operational aspects of the plan. She noted that the Urban Forestry Department is partnering with the Public Works and Electric Utility Departments to help with the coordination efforts related to planting strips for ROW trees, etc. She spoke about the logistics related to tree diversity and that it will be done in concert with the maintenance of our existing tree canopy. She explained that the overall goal is to maintain and continue to have a tree lined canopy City and to have a vigorous healthy urban forest. Ms. del Valle and Ms. Dennison answered questions.

Discussion ensued regarding the existing tree budget, if additional funds are needed for right-of-way tree maintenance and mitigation efforts, and the advantages with tree diversity.

Several suggestions were made by the Commission during the discussion; when it comes to replanting, that the City adhere to the same code requirements; for the City to define what level of service we are offering our residents with a date certain; to place signature trees (live oak trees) where they fit in our ROW and if they do not fit, use another type of tree; to eliminate the 50% rule; to provide a clear definition regarding the ROW tree maintenance and possibly provide simple guidelines explaining whose responsibility it is to take care of a newly planted tree as well as routine/yearly maintenance and/or long term maintenance.

Motion made by Mayor Bradley to approve the adoption of the Urban Forestry Management Plan (URMP) in principle with the three following caveats; a restatement of ROW signature trees (live oak trees); a definition of citizen and City responsibilities about maintenance as well as planting and trimming; a definition and a delineation of potential future budget implications at least for the next 3 years; seconded by Commissioner Leary.

Motion amended by Commissioner Leary to remove the first sentence of the first bullet point on page 19 which reads "City will implement, over time as the budget allows, ROW tree maintenance as a standard City service."; (the Commission requested that this item be defined/quantified/qualified and brought back to them); seconded by Mayor Bradley.

Attorney Reischmann explained that the UFMP is a policy and not an undercoat of ordinances. He advised that there are three major sections in our Land Development Code (58-296, 58-297 and 58-298) that provides guidelines for tree maintenance and responsibility.

Motion amended by Commissioner Sprinkel to delete the 50% rule language (page 20); seconded by Commissioner McMacken.

Stephen Pategas, 1425 Berkshire Avenue, offered the following suggestions: Add verbiage which states invasive trees would be removed from City property and ROW's. He felt that the list on page 11 titled "Examples of Alternative Species to Establish a Diverse Canopy" should be modified especially since the homeowners will be using this as a reference guide; he believed the sweet bay magnolia should be listed under the category of canopy shade trees; the sand live oak trees could also function well as a medium tree and if used in smaller spaces in a lot more areas we could increase our oak tree percentage; and to remove all types of holly trees from the list because of disease issues.

Nancy Shutts, 2010 Brandywine Drive, agreed that we need to clearly provide an outline of the rules and responsibilities for the ROW tree maintenance to avoid any on-going confusion.

Motion amended by Commissioner Cooper to add to this document "the City will implement in FY15 ROW maintenance as a standard City service." Motion failed for lack of a second.

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

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

Upon a roll call vote on the main motion with amendments, 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.)

Mr. Kayesh representing the UPS Store, 501 N. Orlando Avenue spoke about the City's sign ordinance guidelines. He explained that his business is suffering and would like to add additional signage in an effort to attract more customers. He asked the City for assistance. Planning & Community Development Director Dori Stone offered assistance.

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

c. Discussion of process for evaluating the opportunity for minor league baseball in Winter Park

City Manager Knight advised that over the past several months staff has been conducting exploratory discussions with potential team owners about the potential of bringing minor league baseball to Winter Park. He said we are at the point now where we need to decide to either continue pursuing this opportunity or telling the team we are not interested so they can look elsewhere. He said the purpose for today's discussion is in regards to the overall process. He proposed over the next 45 days to allow staff to further explore these opportunities so that the Commission can then decide whether or not to move forward with this opportunity.

For the last few months, the focus has been on the Harper Shepherd Field site (current Rollins baseball stadium) whereby Rollins was leading the effort. Recently, the Rollins executive board voted to discontinue being the lead on this effort.

City Manager Knight explained that staff is currently studying four possible sites; Martin Luther King, Jr. Park; Ravaudage; the UP Development/Votech area; and the former tree farm.

During the 45 day exploratory period, staff would explore the possibilities of each of the above sites, as well as work with the various property owners so as to negotiate deal terms. They would also meet with the Economic Development Advisory Board, the Parks and Recreation Advisory Board and the Community Redevelopment Advisory Board for input and advice. At the end of the 45 day period, staff would bring a report back to the Commission as to whether or not continuing the process makes sense for the community.

City Manager Knight noted that for our area, the economic impact is calculated to be around \$6 million per year and potentially \$60 million over a 10-year period. He said it is our understanding that the Orlando Metropolitan area is the largest market in the United States that does not have some form of professional baseball.

Discussion ensued regarding the positive aspects to allow staff 45 days for exploratory discussion and the advantages with having four different proposed sites to choose from. The Commission felt it would be advantageous for staff to include the following items in their report: the amount of CRA funds that would go into this investment, potential stadium costs, financing and site selection.

Motion made by Mayor Bradley that we enter into a 30-45 day period by which staff discuss with our three boards identified, the potential site determination, the stadium financing as well as whatever potential agreements that may impact us and what we would need to decide to make a decision; seconded by Commissioner Leary. 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. 2948-14: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ANNEXING THE PROPERTY AT 612 EAST LAKE SUE AVENUE; MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR THE AMENDMENT OF THE CITY OF WINTER PARK'S CHARTER, ARTICLE I, SECTION 1.02, CORPORATE BOUNDARIES TO PROVIDE FOR THE INCORPORATION OF THE REAL PROPERTY DESCRIBED HEREIN; PROVIDING FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. First Reading

Attorney Reischmann read the ordinance by title. Planning Manager Jeff Briggs explained the intent of the ordinance and answered questions.

Motion made by Mayor Bradley to accept the ordinance on first reading; seconded by Commissioner McMacken. 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 VACATING AND ABANDONING THAT CERTAIN ELECTRIC UTILITY EASEMENT AT 470 W. NEW ENGLAND AVE., WINTER PARK, FL, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, CORRECTION OF ANY SCRIVENER'S ERRORS AND AN EFFECTIVE DATE. First Reading

Attorney Reischmann read the ordinance by title.

Motion made by Commissioner McMacken to accept the ordinance on first reading; seconded by Commissioner Cooper. 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. RESOLUTION NO. 2130-14: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SETTING FORTH THE CITY'S INTENT TO USE THE UNIFORM AD VALOREM METHOD OF COLLECTION OF A NON-AD VALOREM ASSESSMENT FOR PROPERTIES LYING IN THE CITY OF WINTER PARK, CONSISTING OF PROPERTIES ABUTTING SEMINOLE DRIVE AS MORE PARTICULARLY INDICATED IN EXHIBIT "A" ATTACHED HERE, TO FUND CERTAIN PUBLIC IMPROVEMENTS OF THE INSTALLATION OF UNDERGROUND ELECTRICAL/BHN FACILITIES; PROVIDING THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE PROPERTY APPRAISER, TAX COLLECTOR AND THE FLORIDA DEPARTMENT OF REVENUE IN ACCORDANCE WITH SECTION 197.3632(3)(a), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Attorney Reischmann read the resolution by title. City Manager Knight explained the intent of the resolution.

Motion made by Mayor Bradley 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.**

City Commission Reports:

- a. Commissioner Leary

Commissioner Leary commended and thanked staff for their involvement with the recent homecoming parade and the numerous holiday events.

- b. Commissioner Sprinkel

Commissioner Sprinkel commented that she was proud and honored that the City of Winter Park hosted the recent homecoming parade.

- c. Commissioner Cooper

Commissioner Cooper said she had the privilege to attend the Awards Banquet for the Fraternal Order of Police this past weekend.

Commissioner Cooper said the Florida League of Cities has asked for us to consider supporting the continuation of red light cameras.

A majority agreed to place the following three items on the next agenda: red light camera support, smoking in City parks and pensions.

The Commission requested that a meeting be scheduled with our legislative liaison so they can be updated on these and other important items. City Manager Knight acknowledged.

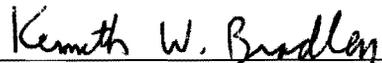
d. Commissioner McMacken

Commissioner McMacken thanked staff for their outstanding efforts during the busy holiday season.

e. Mayor Bradley

Mayor Bradley reminded everyone that January 17 is the State of the City event which is being held at the new Alford Inn.

The meeting adjourned at 5:49 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham