

REGULAR MEETING OF THE CITY COMMISSION
February 9, 2015

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 3:31 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Alison Harity, St. Richard's Episcopal Church, followed by the Pledge of Allegiance.

Members present:

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

Also present:

City Manager Randy Knight
City Attorney Bill Reischmann
City Clerk Cynthia Bonham

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. Presentation – Florida Department of Environmental Protection 2014 Plant Operations Excellence Award

Water and Wastewater Director David Zusi presented the Florida Department of Environmental Protection 2014 Plant Operations Excellence Award they received.

Other announcements

Mayor Bradley announced that Tom McMacken received the Volunteer of the Year Award by the Chamber of Commerce.

Mayor Bradley announced that Public Works Facilities Management Department employee Steve Mathes was recognized by the Chamber of Commerce as their Chamber Hero for outstanding work.

City Manager's Report

City Manager Knight announced that the City received the grant for quiet zones. They will be working with FDOT to bring forward an agreement to the Commission in the near future. Upon questioning regarding the railroad crossings, Assistant Public Works Director Don Marcotte responded regarding some of the high slopes and rails not receiving concrete panels. Commissioner McMacken expressed his preference to bring all the crossings up to a higher rating. Mr. Marcotte will address this.

City Manager Knight announced two property closings including 2600 Lee Road.

City Attorney's Report

No report.

Non-Action Item

a. Financial Report – December 2014

Finance Director Wes Hamil provided the December 2014 financial report and answered questions.

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

b. Scope of work statements for legal and lobbyist contracts.

City Manager Knight stated they provided the Commission the scope of services for the three professional services including State lobbyist, City Attorney and the Labor Attorney. Assistant City Manager Michelle del Valle Neuner addressed questions. She spoke about the City Attorney retainer that is in line with the previous City Attorney and that various cities handle the retainer differently. Ms. Neuner spoke about the suggested process of providing a heads up approach with the cost before beginning litigation.

Discussion ensued that some lawsuit costs are small enough that there should be a threshold in place to determine which ones come before the Commission, the need for a comparison with services provided to other cities, the large amount of time our State lobbyist and Labor Attorney have been retained by the City, the importance of having a trust and the successful relationship with all three and the need to review performance every five years.

Mayor Bradley asked if there was a consensus to bring forth a RFP at the next meeting for discussion. There was not a consensus. After further discussion, it was agreed that a comparison of the scope of services with other cities relative to the size of Winter Park and with a limit of five cities was the next step instead of an RFP at this time. Attorney Reischmann asked that the retainer is kept as a separate issue from litigation costs.

Consent Agenda

- a. Approve the minutes of January 26, 2015.
- b. Approve the FY 2015 budget adjustment for GIS Mapping and Graphic Arts Equipment.
- c. Approve the interlocal agreement with Orange County for the Lake Killarney Sediment Inactivation Project.

- d. Cancel the Commission meeting scheduled for Monday, May 25, 2015 due to the Memorial Day holiday.
- e. Approve the following purchase and contracts:
 1. PR157082 to Altec Industries, Inc. for 2015 Altec Bucket Truck; \$91,551.00.
 2. Piggyback contract with HD Supply Waterworks, Ltd. (Water/Wastewater Material Alliance Extension Agreement No. 895) and authorize the Mayor to execute contract.
 3. Amendment No. 3 to GAI Consultants, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (General Civil & Public Facility Engineering) and authorize the Mayor to execute renewal.
 4. Amendment No. 3 to Comprehensive Engineering Services, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Transportation Planning & Engineering) and authorize the Mayor to execute renewal.
 5. Amendment No. 3 to CDM Smith, Inc. for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Stormwater Management & Design).
 6. Amendment No. 3 to Geosyntec Consultants for RFQ-2-2012 Continuing Contracts for Professional, Architectural & Engineering Services (Stormwater Management & Design).

Motion made by Commissioner McMacken to approve the Consent Agenda with the adjustments previously made to the minutes and sent to the Commission; seconded by Commissioner Sprinkel. No public comments were made. **The motion carried unanimously with a 5-0 vote.**

Action Items Requiring Discussion

a. Sustainability Action Plan

Sustainability Manager Kristopher Stenger provided a PowerPoint summarizing the revisions made after the November 2014 Commission meeting. He addressed the mission of the plan and asked for approval.

Motion made by Mayor Bradley to approve the plan as presented; seconded by Commissioner McMacken. Questions were answered by Mr. Stenger.

The following spoke in favor of the plan:

John Rife, 1650 Pine Avenue
Gordon Blich, 695 French Avenue

Motion carried unanimously with a 5-0 vote.

b. Progress Point property (1150 North Orange Avenue and 1210/1211/1241 Palmetto Avenue) Notice of Disposal (NOD)

Planning Director Dori Stone asked for formal authorization to move forward with the Notice of Disposal on the Progress Point site. She stated this gives the City the opportunity to ask for proposals, designs and drawings on the site as well as financial requests which will come back to the Commission in approximately 60 days. She reiterated that this does not obligate the City to dispose of this property.

Motion made by Mayor Bradley to authorize the City's intent to solicit proposals to dispose of this property (1150 Orange Avenue and 1210/1211/1241 Palmetto Avenue along the southeast side of Orange Avenue between Minnesota Avenue and Cypress Avenue), seconded by Commissioner Sprinkel.

Commissioner Cooper asked for reconsideration of the decision made from the last meeting and to hold onto the property until we have the opportunity to consider the post office. She addressed the previous discussion that the site could not support more development whereby she disagreed. She stated that the site can support the post office distribution center, including all the trucks and employees; and a 40,000 square foot building on Orange Avenue with adequate parking. She asked the Commission to reconsider the possibility that this property has a vital civic use that would result in the residents having a central square in the downtown area.

Motion amended by Commissioner Cooper to hold the decision on the basic motion until after this has been reviewed by both the Planning and Zoning and Economic Development Advisory Board and they have an opportunity to advise us. Motion failed for lack of a second.

Discussion ensued that we do not have any deal on the table with the post office, we do not know if and when that will happen, we do not have to accept any of the proposals coming back, and the current zoning on the property. The Palmetto Avenue right-of-way was addressed and the need to inform people that we would entertain creative methods of dealing with that.

Joe Terranova, 151 N. Virginia Avenue, spoke in favor of acquiring the post office property but opposed spending City funds to purchase the post office and having to build another post office.

Motion carried unanimously with a 5-0 vote.

c. Proposal for Visioning Steering Committee members

Planning Director Dori Stone addressed the last meeting whereby they were asked to bring back recommendations as to a membership structure for the Visioning Steering Committee. She stated the concept she worked with and that she had

input from several members of the community on consisted of looking at creating an executive committee that would be made up of residents only; each commissioner would get two resident appointments; the committee would then nominate a Chair person and they would offer up suggestions for the other remaining Board members. She summarized staff's recommendation for membership.

Motion made by Mayor Bradley to approve the recommended membership structure but strike-"not currently serving on any other city boards"; (for clarification purposes, it stated: "Each Commissioner picks two neighborhood appointments of community residents that are not currently serving on any other city boards."). **Motion was seconded by Commissioner Sprinkel.**

There was a consensus that we include our boards as part of this process. Other discussion ensued as to what each Commissioner wanted to see regarding membership and if others currently serving on boards should be able to participate.

Motion amended by Commissioner Cooper that the Steering Committee represent four out of five members, which is 80% of residents, and representative of neighborhood areas/districts in Winter Park. Motion failed for lack of a second.

Motion amended by Commissioner Cooper to leave in the first portion of the basic motion that says "not currently serving on any other city boards", seconded by Commissioner McMacken for discussion.

Commissioner McMacken addressed his concern with having more than ten or twelve members.

Motion amended by Commissioner Cooper that the main motion says "the additional seats, the emphasis/preference would be on selecting Winter Park residents that meet the criteria of the additional seats"; seconded by Commissioner McMacken.

Joe Terranova, 151 N. Virginia Avenue, recommended that we keep the process open with no limitations or restrictions.

Sally Flynn, 1400 Highland Road, recommended that we give consideration to those individuals who have submitted a board application but have never served, as well as current board members.

Upon a roll call vote on the first amendment (to leave in the first portion of the basic motion that says "not currently serving on any other city boards"); Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

Upon a roll call vote on the second amendment (that the main motion says "the additional seats, the emphasis/preference would be on selecting Winter Park residents that meet the criteria of the additional seats"); 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 as amended, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

In an effort to move things forward, the Commission agreed to announce the names of their two nominees for the Steering Committee at the next meeting.

Public comments (Items not on the agenda)

Joan Cason, 1915 Woodcrest Drive, inquired about the 2600 Lee Road property value and asked when it will be sold. City Manager Knight said an appraisal has been conducted and a for-sale sign will be placed on the property after the demolition.

A recess was taken from 5:19 p.m. to 5:37 p.m.

d. State legislative priorities review and approval

City Manager Knight presented the 2015 State Legislative priorities. He answered questions and asked for approval.

Motion made by Mayor Bradley to approve the list as is; seconded by Commissioner Cooper.

Motion amended by Commissioner Sprinkel that we make our first priority Mead Garden Lake Lillian Restoration with a set amount of money and go to Bill Peebles (lobbyist) and ask where they think we can get funding to work on the second phase of this; seconded by Mayor Bradley. No public comments were made.

Upon a roll call vote on the amendment, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the main motion as amended, 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. 2988-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING PORTIONS OF CHAPTER 102, UTILITIES, ARTICLE IV, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF ORDINANCES, AS WELL AS CREATING THE CITY OF WINTER PARK GREASE MANAGEMENT ORDINANCE, SECTIONS 102-115.01 THROUGH 102-115.14; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

City Attorney Reischmann read the ordinance by title. **Motion made by Commissioner Cooper to adopt the ordinance; seconded by Commissioner McMacken.** Water and Wastewater Utility Director David Zusi 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.**

- b. Request of Unicorp National Developments, Inc.: (Preliminary) Conditional use approval to redevelop the former Mt. Vernon Inn property with a project to be called Lakeside Crossing of approximately 37,473 square feet of retail and restaurant space including a two level parking deck and surface parking of approximately 317 spaces on the property at 110 S. Orlando Avenue, zoned C-3 and providing for certain exceptions and for the approval of a development order pertaining to the project.

Planning Manager Jeff Briggs explained that the proposed development consists of 37,473 square feet of retail/restaurant development of which 2,820 sq. ft. is used for common area mechanical/trash purposes and 34,653 sq. ft. is rentable commercial floor space. The overall site area is 155,945 square feet (3.58 acres). The developer is proposing a FAR of 44.17% which is within the maximum FAR of 45%. The developer is exceeding the street front minimum setbacks on the Orlando Avenue and Morse Boulevard frontages in order to provide more room for landscaping, sidewalk and outdoor patio dining. On Harper Street and the interior sides, the project meets the applicable setbacks. Impervious coverage or green area also complies with the minimum 15% requirements.

Mr. Briggs explained the variance request to reduce the size of the landscape islands from 12 feet to 9 feet within the surface parking lot that the Planning and Zoning Board denied. As a result, the developer will lose 4 parking spaces, so instead of 315 parking spaces they recommended allowing 311 spaces. The entire project is based on meeting the code requirement of 300 spaces. That requirement includes the 40 parking spaces that are committed by Development Agreement to be set aside as employee parking for the Lakeside project, 30 parking spaces are allocated for the retail stores, and 230 parking spaces are allocated for the four restaurants.

Mr. Briggs advised that this application package is for "preliminary" conditional use approval. The applicant will present the "final" conditional use to the Commission at a later date for consideration and approval.

Mr. Briggs provided a brief summary regarding the applicant's traffic study and advised that the applicant's plans have been reviewed by various city departments including representatives from Planning & Community Development, Public Works, Electric Utility, Water and Wastewater Utilities, Fire, Urban Forestry, Parks & Recreation and City Administration.

Mr. Briggs advised that there was a positive recommendation from Planning & Zoning for approval with following conditions:

1. The Lakeside Crossing Development entitlements comprise 37,473 square feet of commercial development which includes restaurants and retail space.
2. The project is required to have a minimum of 300 parking spaces to meet the anticipated needs of the development plan, which includes a parking garage and surface parking lot. Restaurant seating and floor plans will only be permitted that meet the parking code and no parking variances are to be granted.
3. The entrance to the project along Orlando Avenue will be restricted to right in/right out only.
4. The developer will coordinate and install intersection traffic signal improvements for the full Morse Boulevard/Orlando Avenue intersection to include restricted left turn signals in all directions subject to FDOT and city approval.
5. The developer will contribute \$50,000 to the cost of new mast arms as part of the improvements to Orlando Avenue and West Morse Boulevard.
6. The developer will pay and install the smart signal technology improvements at the Morse Boulevard/Orlando Avenue intersection.
7. The developer will install and maintain decorative paving within the entire Morse Boulevard/Orlando Avenue intersection for safer pedestrian crossing.
8. The developer commits to using 5" caliper street trees along street frontages for landscaping.
9. The developer will work with the city's Arborist regarding any tree replacement and maintenance along Orlando Avenue, Morse Avenue and Harper Avenue as it affects his property.
10. The developer will provide bike parking to be determined as part of the final conditional use review.
11. To incorporate the condition that requires the applicant contribute \$50,000 toward the full signaling cost of West New England Avenue and South Orlando Avenue should the City of Winter Park and FDOT deem it necessary within three years of issuance of certificate of occupancy.

Since this is a quasi-judicial hearing, the following was disclosed: Commissioners Leary and Cooper spoke with staff. Mayor Bradley and Commissioners Sprinkel and McMacken spoke with the developer and staff.

Mr. Briggs responded to questions.

Traffic Engineer, Christopher Simoneaux, P.E., Comprehensive Engineering Services Inc. (CES, Inc.) answered questions.

Motion made by Commissioner Cooper to approve the preliminary conditional use request with the Planning and Zoning Board comments (conditions); seconded by Commissioner Sprinkel.

Applicant Chuck Whittall, Unicorp National Development, Inc., spoke about the overall project design concept, the parking garage/spaces and the willingness to save the oak trees along Morse Boulevard.

Joe Terranova, 151 N. Virginia Avenue, explained that he would like reassurance that all power lines surrounding the project will be undergrounded.

Gary Barker, 1029 McKean Circle, spoke in favor of the project as presented.

Mayor Bradley presented statistics comparing the size of the current Mt. Vernon Inn buildings with the size of the proposed project.

Mr. Whittall responded to the public comments made and asked for approval. He briefly described a desire to add 75 more parking spaces which may be the subject of a future request.

Motion amended by Mayor Bradley that allows an additional 24,000 square feet for the project which permits at least to the current space that we have from the Mt. Vernon Inn. Motion failed for lack of a second.

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:

City Manager Knight advised that SunRail has lowered their price to \$32,000 (\$16,000/day) to provide train service during the Spring art festival weekend. In addition, they offered to find a sponsor to pay for half of that cost. In an effort to obtain the other half of the cost or a portion thereof, he asked for support to allow staff to work with the Chamber of Commerce and the Art Festival Committee to find a sponsor(s). He advised that this item will have to be presented to the CRA Agency for final approval. A majority agreed to proceed and asked that we track the number of riders.

a. Commissioner Leary

Commissioner Leary advised that a predator has been seen at our local schools and felt that it would be advantageous for our local law enforcement agency to work with the parents in our community to teach them proactive measures in keeping their children safe. He asked for support. Police Chief Railey responded by providing a status update on the individual in question. He offered to coordinate a community forum meeting with the parents and school principals to educate them.

b. Commissioner Sprinkel

Commissioner Sprinkel thanked our Fire Department for their heroic efforts in trying to save the life of a young student at Rollins College this past week.

Upon request, City Manager Knight and Electric Utility Director Jerry Warren answered questions regarding the City's role with BrightHouse Networks.

Commissioner Sprinkel asked if and when they would be going to the Tallahassee legislative meetings this year. City Manager Knight said they can go in early or late March. He was directed to coordinate with our lobbyist to obtain the best date/times and circulate the information to them.

c. Commissioner Cooper

Commissioner Cooper congratulated the Enzian Theatre on their upcoming 25th anniversary.

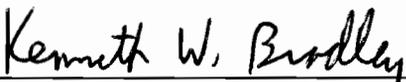
d. Commissioner McMacken - No report.

e. Mayor Bradley

Mayor Bradley advised that he has been approached by several individuals regarding the Orange County School Board role in the usage and maintenance of Showalter Field. He asked for support to allow staff and the Parks and Recreation Board to study the current lease structure and to bring back a proposal as to whatever decisions are necessary. A majority agreed.

Mayor Bradley announced that this Wednesday the MetroPlan Board will discuss Winter Park being a voting member and that they are proposing enactment for the 2015/2016 budget season. He spoke briefly about the associated funding with being a member and that an interlocal agreement will be forthcoming.

The meeting adjourned at 7:07 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham, MMC