REGULAR MEETING OF THE CITY COMMISSION
SEPTEMBER 24, 2018

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Jocelyn Williamson, Central Florida Freethought community, followed by the Pledge of Allegiance.

Members present:
Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also Present:
City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Mayor Leary announced the removal of public hearings ‘b’ and ‘c’ per the applicant’s request.

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote.

Mayor’s Report

a. Recognition of Mead Botanical Garden, Inc. volunteers

Cynthia Hasenau, representing the Mead Botanical Garden, Inc. staff and Board presented photos of volunteers and events held at the location. She recognized several volunteers who devote their time and energy to the gardens.

City Manager’s Report

City Manager Knight announced an electrical outage by Duke Energy for October 18 at 3:00 a.m. that will affect the east side of the City.

City Attorney’s Report

Attorney Ardaman spoke about informational markers versus regulatory buoys. Member FWC Ken Wright spoke about the types of buoys and the permit process for regulatory buoys and suggested to see what the reaction will be from the residents affected by the buoys before moving forward with placement. Public Works Director Troy Attaway provided a map of where staff believed buoys should be put. Mr. Wright stated he would like to work with City staff and see what they suggest and then discuss it with FWC first and see what the parameters are before moving forward.
Discussion ensued concerning the various verbiage on the informational buoys and the process that needs to be followed if the Commission agrees on regulatory ones. After further comments, there was a consensus to take the proposed plan provided by staff with the informational buoys to the FWC first, then come back to the Lakes and Waterways Board to discuss this and provide a final recommendation for the Commission.

Non-Action Items

a. Ward Park Improvement Plan

Patty Maddox, Winter Park Health Foundation provided an update on the status of their Center for Health and Wellbeing. She showed a video of their accomplishments and how the building will look.

Parks and Recreation Director Jason Seeley provided their plan to work in coordination with the Winter Park Health Foundation to enhance the stretch of Ward Park along Loch Lomond adjacent to the newly constructed Center for Health and Wellbeing. In addition, the plan would improve walkability to the park from surrounding neighborhoods, as well as create a connection between the Loch Lomond section of Ward Park and the greater Ward Park/Showalter campus. He addressed the current state of the park and their objective to activate the park, that park space becomes the ‘back yard’ for the extension of the Center for Health and Wellbeing, and to revitalize the space with fresh landscaping, site amenities, and ease of access. He summarized the improved infrastructure, the key components for activation of the park, and the project timeline to begin work in early Fall 2018 with completion of Phase 1 in December 2018.

Discussion items included parking and the proposed boardwalk. Mayor Leary thanked Ms. Maddox for their partnership with this project. Commissioner Cooper asked about the fiscal impact of this project and asked that financial impacts be provided to them to include impacts to the City and their partners, and understand what budget adjustments are necessary and if this is something they have in the Parks Capital Improvement Plan and if this has gone to the Parks Board. Mr. Seeley provided details to her questions that the Parks Board approved this and the financial impacts. He will send them an email with the associated costs. He also answered other questions of the Commission including parking concerns.

b. Traffic and Transportation Reports Update

Public Works Director Troy Attaway provided information regarding an update on the Traffic and Transportation reports. He highlighted what they are working on to include Orange Avenue (also the crash data), the Lakemont/Aloma Avenues intersection regarding the turning movement study, and the Orwin Manor Traffic Calming Report. Assistant Public Works Director Don Marcotte highlighted transportation
improvements proposed for Palmer Avenue (traffic study), New York Avenue, US 17-92 (Nottingham to Monroe) pedestrian improvements, St. Andrews Trail (connect to Cady Way Trail and the Ward Park Trail at Loch Lomond Drive), and the Ward Park/Project Wellness Trail. He addressed the City’s draft Mobility Plan prepared by Kimley Horn that they just received and that staff will have this on a future agenda.

Public comments (items not on the agenda):

Michael Perelman, 1010 Greentree Drive, spoke against the raked auditorium for the new library because he did not believe it was good use of space.

Consent Agenda

a. Approve the September 10, 2018 Commission minutes.
b. Approve the following purchase:
   1. CDW Government, LLC - Replacement of Cisco network switches; $94,453.70
c. Approve the following formal solicitations and the respective motion:
   1. Graef-USA, Inc. - RFQ-19-2018 - Continuing Contract for Professional Structural Engineering Consulting Services; authorize staff to enter into negotiations. PULLED BY COMMISSIONER SEIDEL BECAUSE OF A CONFLICT OF INTEREST. SEE BELOW. 
   2. PFM Financial Advisors, LLC – RFP-25-2018 – Financial Advisory Services; as needed basis.
   3. All-Rite Fence Services, Inc. - IFB-28-2018 - Fencing Installation & Services; not to exceed $155,000.
d. Approve the following piggyback agreements:
   1. Odyssey Manufacturing Co. - Renewal of existing piggyback of City of Daytona Beach ITB #0115-1900 for the provision of sodium hypochlorite; not to exceed $152,000.
   2. Helena Agri Enterprises, LLC - Renewal of existing piggyback of South Florida Water Management District RFB #6000000829 for the provision of herbicides and related adjuvants; not to exceed $100,000.
   3. Dana Safety Supply, Inc. - Piggyback of City of Tampa contract #2-18 for the provision of lightbars and accessories with installation; not to exceed $85,000.
e. Approve the following contract items and the respective motions:
   2. AGH Management, LLC - Renewal of IFB-12-2017 - Athletic Field Maintenance for MLK Fields; not to exceed $80,000.
   3. HDD of Florida, LLC - Increase of FY18 spending on IFB-8-2014 - Underground Utility Services – to account for services performed on major projects outside of the citywide undergrounding initiative; not to exceed $425,000.
   4. Heart Utilities of Jacksonville, Inc. - Increase of FY18 spending on IFB-8-2014 - Underground Utility Services – to account for services performed on
major projects outside of the citywide undergrounding initiative; not to exceed $450,000.

5. Aetna - FY19 renewal of RFP-6-2007 - Medical Insurance; Stop Loss Premium ($783,817) & Plan Administration ($192,401).


8. Duke Energy - Change order #1 to increase the allowable spend under the joint participation agreement for the Fairbanks Corridor Electrical Undergrounding Project; $977,594.80. **PULLED BY COMMISSIONER COOPER FOR CLARIFICATION.**

f. Approve the FY18 budget amendments. **PULLED BY COMMISSIONER WELDON FOR DISCUSSION.**

Motion made by Commissioner Sprinkel to approve all items on the Consent Agenda, except item c.1., e.8., and f.; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote. There were no public comments made.

Consent Agenda item c.1.
Commissioner Seidel pulled this item because of a conflict of interest.

Motion made by Commissioner Sprinkel to approve Consent Agenda item c.1., seconded by Commissioner Weldon and carried with a 4-0 vote with Commissioner Seidel abstaining from voting due to a conflict of interest.

Consent Agenda item e.8.
Commissioner Cooper asked for information to help her better understand the item. Electric Director Dan D’ Alessandro explained the request of FDOT for a better solution.

Motion made by Commissioner Cooper to approve Consent Agenda item e.8.; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Consent Agenda item f.
Commissioner Weldon asked about the estimate on the impact and the net expectation for the cash balance in the general fund reserves given the adjustments and the items discussed in the financial update as of August 31. Budget Manager Peter Moore explained they expect to add about $.5 million to unencumbered reserves.

Motion made by Commissioner Weldon to approve Consent Agenda item f.; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.
Action Items Requiring Discussion

No items.

Public Hearings:

a. Request of the City of Winter Park: conditional use approval to construct a new winter Park Library of 34,400 square feet in size and a new city events center of 13,564 square feet on the property at 1060/1052 West Morse Boulevard.

Planning Manager Jeff Briggs summarized the site plan layout. He stated no variances are requested because all improvements meet the zoning code with respect to building heights, setbacks, etc. He spoke about the additional parking spaces to ensure enough parking and that the trees being removed are being replaced by more trees than are currently on site. He addressed the sole reason why the Planning and Zoning Board had a recommendation for preliminary approval was because they were not fully understanding the stormwater aspect and they wanted to see the final stormwater plan. He stated it is appropriate for the Commission to give final approval this evening as opposed to a preliminary approval.

Mayor Leary asked about any changes made since the schematic April Commission meeting approvals. City Manager Knight stated the project moved closer to Morse Boulevard as a result of the soil conditions to the south and there is now greenspace on the Belvedere as before it was all hardscape. This was to improve the pervious area of the overall site and was a cost benefit to the project. He stated the shape of the parking lots have changed a little for circulation improvements, the amphitheater to the south of the building has moved to the center and is now back to the corner which is now preferred by the architects and staff. He stated part of the lake around the stage is excavated so the water is at the stage and moved a little north which also helps with stormwater retention. He stated the plan is to connect to Lake Rose and for this to be a more regional stormwater control feature as opposed to only dealing with the stormwater related to the library and events center building so that it is more of a regional solution for the historic flooding that takes place along that corridor.

Motion made by Commissioner Sprinkel to approve the preliminary and final conditional use request, including condition #2: That the Board encourages the City Commission to explore additional parking in the location of the existing Recreation Building site; seconded by Commissioner Weldon.

Commissioner Seidel spoke about meeting with staff on the stormwater issues and did not see any deal breakers on it but wanted to see more pre-treatment. He asked that a condition be placed that we optimize our pre-treatment of the stormwater prior to the discharge. He further explained the advantages of pre-treatment of the runoff.
into the lake/retention pond. There was a consensus to investigate the cost of this and provide to the Commission.

Commissioner Cooper spoke about reading all the documents related to this project and discussing them at length with the project civil engineer. She stated she appreciates the concerns with the stability of Lake Rose. She commented that Ardaman and Associates have said while all three conditions that are necessary for the sinkhole to continue activity are present, they are no more or less present as a result of what they are doing and they are comfortable with their professional view to state that the impact is negligible. She also spoke about water quality and was provided the drawing from 2006 showing there was a chemical plume under the Imperial Dry Cleaners and wanted for them to stipulate, because there has not been an environmental analysis, how that plume could impact the land.

Commissioner Cooper wanted to amend the motion regarding doing an environmental assessment before moving forward. Commissioner Seidel addressed the assessment would only need to be of the changed condition they are doing. Public Works Director Troy Attaway spoke about the 2014 program implemented to clean that so the latest information from 2017 says the plume is basically gone and are in a monitoring status.

Commissioner Cooper also spoke about the borings and that they are pricing out other alternatives to deal with the muck. Mr. Attaway said the muck is in the belvedere area where it is too deep to cost effectively remove but will be handled. She wanted to make sure we have funds reserved for the items needing to be fixed (muck and stormwater alternatives) so she was not in favor of approving the conditional use now until that is known. City Manager Knight stated they still have to bring in a project within budget. Commissioner Weldon commented it is appropriate for them today to deal with the conditional use approval and then deal with the other issues later when they are provided the budget for the project.

Mayor Leary agreed that the idea of pre-treatment of the runoff into the lake should be investigated.

**Motion amended by Commissioner Cooper that we delete the plan for the additional parking that goes to the south of Lake Mendsen until they know they have a need for it; seconded by Commissioner Seidel.** Upon a roll call vote, Commissioners Seidel, Sprinkel, Weldon and Mayor Leary voted no. Commissioner Cooper voted yes. The motion failed with a 4-1 vote.

**Motion amended by Commissioner Cooper that we require that something is brought back to the Commission that gives us an assurance that there has been an appropriate assessment of the chemical plume under the Imperial Laundry; seconded by Commissioner Seidel.** Mayor Leary stated he would
support that outside of the motion and that staff can follow up on that. **Upon a roll call vote, Mayor Leary and Commissioners Sprinkel and Weldon voted no. Commissioners Seidel and Cooper voted yes. The motion failed with a 3-2 vote.**

Jim Barnes, 1031 W. Morse Boulevard spoke in favor of the conditional use approval and of the additional 36 parking spaces to the south because of the need.

Commissioner Seidel commented that there could be another source to pay for a parking structure and does not have to be there the day the library opens thus the reason for seconding the amendment. It was brought forward that CRA dollars can be used for the parking in the south lot.

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

**City Commission Reports:**

**Commissioner Seidel** - Addressed his Coffee Talk and the issues brought up by residents on the potholes on Glenridge (Ms. Shutts will be provided the schedule) and future local meetings with the FAA regarding airport noise and residents wanting a meeting closer to the City. The City Manager will find out when those meetings are. He addressed comments made that the State of the City should be open to the public. It was clarified that those are broadcasted live. He spoke about the meeting where the Planning and Zoning Board had no quorum and asked if the members are attending or if they need to consider replacing members. The attendance records will be provided.

**Commissioner Sprinkel** - Attended the Daughters of the American Revolution event. She spoke about visiting Arlington, Virginia and their regard for safety for bicyclists.

**Commissioner Cooper** - Thanked the Police Department for apprehending the young male last week on Orange Avenue. Acknowledged the letter from the Park West Condos praising the two Fire Marshals for helping with their outdated fire sprinklers. Spoke about a resident’s concern about how the deeds were recorded regarding our parkland. She asked for consideration that all parkland is deed restricted in perpetuity for recreation. She commented about the Howell Branch Preserve and her preference that it be deed restricted and to move forward with the rezoning of the City’s property to Conservation. There was a consensus for staff to review all parks and bring back an assessment as to how they are deeded and to include any financial implications.

**Commissioner Weldon** - Spoke about bike paths and pedestrian safety that everyone wants and was in agreement with trying to start a process to analyze right-of-ways to
determine if there is enough room to put them in. Provided a packet regarding electric rates and the impacts to solar that he had shared with the Utilities Advisory Board.

Mayor Leary – Reported that they dedicated a Blue Star Memorial and thanked everyone for stepping in for him. He addressed the Orange Avenue shooting and the numerous agencies involved in the apprehension.

MILLAGE AND BUDGET PUBLIC HEARINGS

ORDINANCE NO. 3123-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING A 4.0923 MILL AD VALOREM TAX LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE GENERAL OPERATING EXPENSES OF THE CITY, A 0.1478 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2011, AND A 0.3271 MILL VOTED DEBT SERVICE LEVY UPON ALL REAL AND PERSONAL PROPERTY FOR APPROPRIATION TO THE CITY OF WINTER PARK, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2017 Second Reading

ORDINANCE NO. 3124-18: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA ADOPTING THE ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2018 AND ENDING SEPTEMBER 30, 2019 AND ACCOMPANYING FIVE YEAR CAPITAL IMPROVEMENT PLAN; APPROPRIATING FUNDS FOR THE GENERAL FUND, DESIGNATIONS TRUST FUND, STORMWATER UTILITY FUND, COMMUNITY REDEVELOPMENT FUND, FEDERAL FORFEITURE FUND, POLICE GRANT FUND, DEBT SERVICE FUND, WATER AND SEWER FUND, ELECTRIC UTILITY FUND, FLEET MAINTENANCE FUND, EQUIPMENT REPLACEMENT FUND, EMPLOYEE INSURANCE FUND, GENERAL INSURANCE FUND, CEMETERY TRUST FUND, GENERAL CAPITAL PROJECTS FUND AND STORMWATER CAPITAL PROJECTS FUND; PROVIDING FOR MODIFICATIONS; PROVIDING FOR AMENDMENTS TO SAID ANNUAL BUDGET TO CARRY FORWARD THE FUNDING OF PURCHASE ORDERS OUTSTANDING AND UNSPENT PROJECT BUDGETS AS OF SEPTEMBER 30, 2018; AND AUTHORIZING TRANSFER OF FUNDS HEREIN APPROPRIATED BETWEEN DEPARTMENTS SO LONG AS THE TOTAL FUND APPROPRIATIONS SHALL NOT BE INCREASED THEREBY Second Reading

The Mayor made the opening statement as follows: “The millage rate needed for Fiscal Year 2019 to generate the same property tax revenue for the City as in 2018, based on the Property Appraiser’s certification, is 3.8456 mills.”

“The budget proposed by the staff with amendments generally agreed to by the City Commission requires a millage of 4.0923 mills which has been the rate levied by the city for the last ten years. The proposed millage of 4.0923 mills would represent an increase in property taxes, not counting new construction and the City’s dedicated increment value payment to the Community Redevelopment Agency, of 6.42%. This increase in property taxes levied over the prior year is not due to any change in tax rate but is due to the increase in assessed values of properties.”
"In addition, a 0.1478 mill voted debt service is levied to cover the debt service of the General Obligation Bonds, Series 2011 approved by the citizens of Winter Park at the May 16, 2000 bond referendum. As well as a 0.3271 mill voted debt service levied to cover the debt service of the General Obligation Bonds, Series 2017 approved by the citizens of Winter Park at the March 15, 2016 bond referendum."

This was a simultaneous public hearing. Attorney Ardaman read both ordinances by title. No public comments were made.

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

Motion amended by Commissioner Weldon that we lower the millage rate from 4.0923 to 4.0000 due to the financial results for the Fiscal Year ending 2018. They are looking at a surplus over budget of approximately $900,000 and the amount of the decrease recommended in the millage rate is approximately $500,000 for FY2019 and is appropriate that we balance our good fortune with valuation increases with recognizing the interests of our citizens and property owners by lowering the millage rate at this time. Motion failed for lack of a second.

Commissioner Seidel stated that giving the uncertainty of the new tax law next year he is comfortable leaving the millage rate where it is and not have to raise it next year by planning for the increase in the reduction and decrease in the income.

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

Commissioner Cooper requested information from the past year, anticipated CIP investments, and budgeted projects anticipated and how much was accomplished.

Mayor Leary announced the following: "The City Commission of the City of Winter Park is going to adopt an operating millage of 4.0923 which represents a property tax levy that is 6.42% higher than the rolled-back rate of 3.8456 mills due to increases in assessed values."

**Upon a roll call vote to adopt the millage ordinance, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner Weldon voted no. The motion carried with a 4-1 vote.**

**Upon a roll call vote to adopt the budget ordinance, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**
The meeting adjourned at 6:26 p.m.

ATTEST:

Mayor Steve Leary

City Clerk Cynthia S. Bonham, MMC
WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

**ELECTED OFFICERS:**

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting: and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

**APPOINTED OFFICERS:**

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)
APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER’S INTEREST

I, Gregory S. Sender, hereby disclose that on Sep 24, 2018:

(a) A measure came or will come before my agency which (check one or more)

- Inured to my special private gain or loss;
- Inured to the special gain or loss of my business associate, ____________________________ ;
- Inured to the special gain or loss of my relative, ____________________________ ;
- Inured to the special gain or loss of ____________________________ , by whom I am retained; or
- Inured to the special gain or loss of ____________________________ , which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

[Signature]

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.