

**CITY OF WINTER PARK
CITY COMMISSION WORK SESSION MINUTES
April 16, 2007**

The meeting of the Winter Park City Commission was called to order by Mayor David Strong at 4:00 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor David Strong
Commissioner Margie Bridges
Commissioner John Eckbert
Commissioner Douglas Metcalf
Commissioner Karen Diebel

Also present:

City Manager James Williams
City Attorney Trippe Cheek
Deputy City Clerk Nancy McLean

Attorney Cheek explained that the latest version of draft #3 and the red lining consist of two things, revisions that he made and additional changes that Mayor Strong suggested after reviewing the document last week. He commented that the document was divided into a two major points to give him guidance to the extent of negotiating. This involved the scope of the payback in the event of an "opt out" in 2017; and the scope of the expenses the City picks up in 2017, assuming there is no "opt out". Attorney Cheek stated that the language is not difficult to work out once he knows where they stand on those points. He reviewed the City's obligations within the drafted agreement.

Commissioner Metcalf stated that he had a conversation with Orange County Commissioner Bill Segal and agreed with what he said in an article recently published. He stated that Mr. Segal felt that Winter Park and Maitland should not have to pay any more than the additional costs that were attributable to us versus what they would have had to pay if we had not been here. Commissioner Metcalf expressed that he would like to ensure that when they are speaking about capital costs that they speak about the capital costs they incurred not the total of \$400 million.

Mayor Strong commented that he believed they should agree to everything that was described as part of the obligation for Winter Park, no more and no less. He understood that the fixed guide bond rates were part of our obligation and he had no recollection of capital funding costs. He stated that he objected to capital funding costs because it was never part of their obligation. Commissioner Bridges agreed with Mayor Strong stating that the guide way bonds were discussed early on.

Mayor Strong explained that there was a one time "opt out" in the agreement but if they choose not to "opt out" they were bound forever with some of the formulas and provisions. Commissioner Eckbert stated that the "opt out" card was for negotiating purposes. He expressed that he was opposed to the citizens of Winter Park being placed in a position of being taxed twice. He explained that if there was no dedicated funding source available then they should "opt out", unless there is a provision that makes it fair. Mayor Strong agreed. Commissioner Eckbert expressed that the only thing they should be responsible for paying for if they were to "opt out" is whatever residual federal obligation is left from the \$2.7 million and this should be subject to the Federal government insisting that the City pays it. Commissioner Metcalf agreed.

Mayor Strong interjected that the necessity of paying back the Federal government was never presented to the Commission or the citizens as an obligation and he objected to the need to have it paid back without having it disclosed that way.

Commissioner Eckbert stated he would like to see that they acknowledge that FDOT is a pass through for federal dollars and the repayment of the \$2.7 million is between the City and the Federal government. He stated that he would like to hear from the Federal government to see what would be appropriate.

Commissioner Diebel commented on how they legally craft an "opt out" provision. She stated as things move along between now and 2017, if the rail system needs capital improvements that is not funded by the original \$491 million, they will need to speak with the County and find out how they plan to fund the capital funding plan along the way. She also asked if they decide to "opt out" in 2017 if they need a formula that transfers the risk from the City to the County. She did not agree that the City has an obligation after 2017 because the Federal government has not told them they have an obligation. She suggested going over the wording and inserting their concerns.

Attorney Cheek and the Commission reviewed the agreement and discussed various sections. Mayor Strong asked if they accept Federal money if there was an obligation to return the Federal money. Mr. Dick Harkey, representing Congressman Mica's office, explained that there was an obligation.

Public Director Troy Attaway explained that he spoke to FDOT regarding this and they said the City would have to enter into a Local Agency Program Agreement (LAP). He stated that FDOT has a program to contract with qualified local agencies for the administration of certain federally funded projects. Mr. Attaway answered questions posed by the Commission. Commissioner Eckbert asked to see a draft of the LAP agreement. Mr. Attaway agreed to provide the draft.

Commissioner Eckbert suggested a perpetual "opt out" since there is a provision that says if budget estimates ever deviate from the initial projection of 20% then the "opt out" provision is available and they can reconsider the "opt out". Mayor Strong agreed with that idea. Commissioner Diebel thought it was a good idea or that they could say in the event the County Commission helps by 50% or the reimbursable goes up.

Mayor Strong's commented that they should hear from the County on these ideas; and they should look at the LAP agreement that the State has and proceed once they have that feedback. He shared a concern he had with the agreement which flows from the master agreement which gives Orange County a great deal of control over Winter Park's City decisions. He wanted it to be clear that this agreement precludes that. Attorney Cheek stated that the language takes care of that issue.

Attorney Cheek asked the Commission to look at section 7.02 of the Master Interlocal Agreement called Annual Funding of Obligation and Limitation. He stated there appeared to be a cap on operating deficits and he needed to address and clarify this with Orange County.

Commissioner Eckbert asked that the location of the station be specified in the Downtown Business District at the Amtrak location stop. Mr. Harrison, Orange County, stated that the County did not care where the station was located, but FDOT did. Mayor Strong stated it did not have to be a part of this agreement. Commissioner Eckbert asked for a letter on where this was going to be. Commissioner Diebel suggested that this be clarified in the LAP agreement. She recommended that Mr. Attaway ask for a draft that has the proper wording in this agreement.

Mayor Strong thought that for this station to be in an area other than Central Park, there was a financial burden that needed to be addressed. He addressed having the station at the Denning site. He questioned if the possibility of more development in that area would cover the cost of acquiring property there to justify having a station at that location. He explained that he was thinking about this from an economic standpoint.

Commissioner Bridges commented on exploring partnerships and did not believe they have thought through the intense development that accompanies a transit station (which they are considering); the lack of parking; and the mixed uses. She believed that they should look at the two other City owned lands as possibilities that meet the referendum and that the sites were mentioned by Canin & Associates. She stated they could start by addressing the economics of these locations instead of placing it at Central Park.

Commissioner Metcalf believed that having the station downtown made sense for the City. He commented that they could have the station relocated once they find someone that will pay for it and when the development demands that in the future. Commissioner Eckbert asked if it would have to be moved instead of being a second Winter Park stop. Commissioner Metcalf stated it might be 800 -1200 yards apart if it was a second stop and did not know if that would be optimum.

Commissioner Bridges shared her concerns of urban planning and the transportation impacts on historic properties/sites and believed they had not gone through that process. She stated they are not planning for the success of this at this location and there will be a negative impact with more development, a lack of parking and that New York Avenue cannot take more buses which will effect the Central Park location and that street. She recommended they go through the process of historic preservation because these were federal guidelines and they had Central Park to consider. She believed they should look at other locations.

Mr. Harkey, stated that FDOT has completed a traffic study in that area and it is on the website www.cftrail.com and a document called Transportation Chapter 4.

Attorney Cheek stated he had to leave for a previously scheduled meeting. (5:33 pm.) Mayor Strong asked Public Works Director Troy Attaway or City Engineer Don Marcotte to ask Orange County if the City Commission committed to Central Park if would be possible to change that commitment of the station location at a later date, if the City reimburses the County for making that change. Commissioner Metcalf believed that they should move forward with the location and the design.

Commissioner Diebel asked that Mr. Marcotte find out the budget estimate from FDOT on what will it cost to build a station and the tracks; what portion of the \$3 million will be spent on the infrastructure and what potential portion of that could be left over for the pedestrian intermodal plan of which the City has jurisdiction.

Commissioner Metcalf asked that staff get clarification on the figure of \$2.7 million or \$3 million. Commissioner Eckbert stated the amount should be \$3.3 million not \$3 million. He asked that this comment be passed on to the City Attorney. City Manager Williams agreed to do so.

Mayor Strong commented that the commuter rail station will be voted on at the next Commission meeting and he hoped they would have more information from Mr. Attaway or Mr. Marcotte on a couple issues.

Commissioner Metcalf spoke about a Lynx representative who would like to speak to the Commission about their buses, their routes and their thoughts/ideas on the arrival of commuter rail. Mr. Attaway stated that he also spoke to the same representative from Lynx and they would speak to the Commission at a later date.

2. Tree protection ordinance discussion.

Mayor Strong asked if anyone needed to discuss the tree ordinance. Commissioner Bridges explained that she reviewed the motion that Commissioner Metcalf used and the language was very clear. He stated there would be no use of camphor trees as tree canopy replacement.

Commissioner Metcalf stated he still wanted an exempt list that includes camphor trees and that these trees are not supposed to be used in Winter Park. He commented that the only exception he would have is if they place citrus trees on the exempt list. Mayor Strong stated it was his understanding that citrus trees were not protected trees. Mr. Mackin agreed and stated they are on the exempt list. Mayor Strong stated they do not have a list of prohibited trees in Winter Park but did not believe that it belonged in this ordinance because it is a tree preservation ordinance. Commissioner Bridges suggested this be placed in the landscape code instead; Mr. Hagle agreed.

Commissioner Diebel recommended focusing on section 58-299 on the construction aspect which is threatening the preservation of the trees; move forward on that language and work on the other parts until they reach an agreement. She commented about what she believed to be a cumbersome portion of this paragraph where it introduces the requirement to place a 4 foot high fence around trees as a protection barrier. She stated that even though it may be practical in some situations they needed a variance process. Forestry Director Lee Mackin explained that was addressed and it gives the discretion of the Code Enforcement Arborist to modify that.

Mayor Strong stated they should try to focus on a free form of discussion at the next work session. Commissioner Eckbert stated he is interested in how they make decisions and how they move towards the right decision for the City. He stated he is discontented with our process and wants to talk about ways of making decisions better and differently.

Mayor Strong stated he would like the future work sessions to be open discussion without an agenda. There was a consensus not to have an agenda and have round table discussions rather than being seated at the dais.

Mayor Strong adjourned that meeting at 6:15 p.m.

A handwritten signature in cursive script, reading "Cynthia S. Bonham". The signature is written in dark ink and is positioned above a horizontal line.

City Clerk, Cynthia S. Bonham