

REGULAR MEETING OF THE CITY COMMISSION
June 22, 2009

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 given by Father Richard Walsh, St. Margaret Mary Catholic Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Karen Diebel (via telephone)
Commissioner Margie Bridges

Also present:

Assistant City Manager Michelle del Valle
City Attorney Trippe Cheek
Deputy City Clerk Nancy McLean

Mayor Bradley announced that the 100 day report was pulled from the agenda and that there would be a brief report on tree planting.

Citizens Comments:

1. Joan Cason, 1915 Woodcrest Drive, questioned why they were moving the pro shop before there are designated funds to rehab the pro shop. She asked that this item be placed on the agenda.

Mayor Bradley commented that this has already been addressed and that it would not be back on the agenda unless a Commissioner or Parks and Recreation Director John Holland requests that it be brought back to the Commission.

2. Hal George, 468 Virginia Drive, announced that the design team of Slocum Plats Architects was presented the Aurora Award for Affordable Housing with regards to the project that the Commission supported a few years ago on the corner of Denning, New England and Douglas Avenue. Mayor Bradley stated that they should be recognized.

Mayor's Report:

a) 2009 Outstanding Board Appointments.

Mayor Bradley commented that the Commission was provided additional nominees for the board appointments. The board vacancies were discussed and voted upon. The following motions were made for each board.

Motion made by Mayor Bradley to approve the nomination of Simon Snyder to the Ethics Board, Ronald Scarpa to the Tree Preservation Board and Donald Jung to the Police Officers' Pension Board; seconded by Commissioner Anderson. Upon discussion, Commissioner Anderson asked that the motion be amended to only include Mr. Snyder for the Ethics Board and Mr. Jung for the Police Officers' Pension Board. Mayor Bradley agreed. The motion carried unanimously with a 5-0 vote.

Mayor Bradley stated for the record that Zelle Washburn was voted in by the board for the Police Officers Pension Board. There was consensus among the Commission.

Motion made by Mayor Bradley to approve the nomination of Ronald Scarpa to the Tree Preservation Board; seconded by Commissioner Diebel. Upon discussion and a vote, Commissioners Anderson, Dillaha and Bridges voted no. Mayor Bradley and Commissioner Diebel voted yes. The motion failed with a 3-2 vote.

b) Recommendation to Orange County for the Civic Facilities Authority.

Mayor Bradley explained that they were to provide two nominations to the Orange County Board of County Commissioners for the Civic Facilities Authority and one of the two nominees will be selected to represent Winter Park.

Commissioner Anderson recommended Jim Barnes, Stewart Kramer and Tom Sacha. He stated that he would contact one or more of these individuals to see if they would be interested. Mayor Bradley commented that James Goth applied directly to the board. Commissioner Anderson agreed that Mr. Goth would be a good appointment. Mayor Bradley asked that this be placed on the July 13 agenda for another recommendation.

c) Appointment to the Orange County Community Action Board.

Mayor Bradley commented that Commissioner Bridges has been serving as the Winter Park representative to the Board and requested that she be replaced due to scheduling conflicts. He explained that they are to provide a nomination to the Orange County Community Action Board and to designate an alternate to serve in absence of the Board member.

Commissioner Dillaha nominated Commissioner Anderson to the board. Commissioner Bridges agreed. Commissioner Anderson asked for time in order to find an alternate. Mayor Bradley agreed and stated that this item will be on the July 13 meeting. Commissioner Anderson commented that he will also have a few names to propose.

d) Florida League of Cities conference voting delegate.

Mayor Bradley and Commissioners Dillaha and Bridges stated they would be attending the Florida League of Cities conference in Orlando this August. There was also a consensus among the Commission that Commissioner Bridges will serve as the conference voting delegate.

e) 90 day action plan.

Mayor Bradley announced that there will be a work session regarding the 90 day action plan on July 13 from 2:30 p.m. - 3:30 p.m.

f) Fitch ratings.

Mayor Bradley stated they received the best recommendation due to the circumstances they were in. He commended City staff for being supportive in order to get them to this point.

Non agenda item:

1. Mark Hagle, 1220 Park Avenue North, spoke about the Winter Park Live Oak fund and stated that they are approaching their 5 year anniversary. He explained that they have planted in excess of 450 trees (highlighted areas on a map that are complete) and discussed having money to plant another 140 trees. He added that for maximum impact they need to hit all the arterial roads so that it is noticeable and once complete, go back into the neighborhoods.

Mr. Hagle presented pictures of the City of Maitland on a similar project that he wanted to reference for Lee Road. He pointed out the landscaping and how well maintained it is. He explained that the Live Oak Fund would like to plant trees down the center of Lee Road and the secondary road could be Aloma Avenue west of Lakemont. He commented that they need to concentrate on their entrances into the City so that Winter Park has the same entrances as the City of Maitland, Lake Mary and Casselberry. He stated that the Community Redevelopment Agency (CRA) has approximately \$800,000 that can be directed in this area if they are on the roads that are impacted by the CRA, and that the Parks Department has a \$400,000 surplus in the tree account that could be allocated as well.

Mayor Bradley asked that Assistant City Manager del Valle work with Mr. Holland and Mr. Hagle to accomplish this. He added that Lee Road could be a viable place. Commissioner Dillaha agreed with improving Lee Road and some of the other major arteries.

Commissioner Bridges commented that her concern was the ongoing maintenance. Mayor Bradley stated that they could have a full presentation on the maintenance of our parks as part of their 2010 planning. He suggested that the maintenance item be placed on the July 27 agenda. Commissioner Bridges agreed.

- g) 100 day report. **PULLED FROM AGENDA.**
- h) Finance Department recognition – Distinguished budget presentation award.

Mayor Bradley commented that the Finance Department received the budget presentation award and they will have an appropriate presentation for that at another time.

Consent Agenda:

- a) Approve the minutes of 6/8/09.
- b) Approve entering into negotiations for RFQ-17-2009 Design-Build of Winter Park Community Center with the top ranked firm of Turner Construction Company. **PULLED FOR DISCUSSION. SEE BELOW.**
- c) Approval of the assignment of the lot at 320 N. Denning Drive to Habitat for Humanity for construction of a Habitat home.

Consent Agenda item b) was pulled for discussion.

Motion made by Commissioner Bridges to approve Consent Agenda items a) and c); seconded by Commissioner Dillaha and carried unanimously with a 5-0 vote.

Consent Agenda item b): Approve entering into negotiations for RFQ-17-2009 Design-Build of Winter Park Community Center with the top ranked firm of Turner Construction Company.

Commissioner Bridges asked for clarification on the RFQ process. Rick Mellin, President of ZHA, responded and explained that he is the design criteria (licensed) professional that is required by state statutes to do this type of a qualification based selection for design build. Public Works Director Troy Attaway explained that they hired Mr. Mellin because of his expertise and knowledge for this \$8 million project. Mr. Mellin answered further questions.

Motion made by Commissioner Bridges to approve Consent Agenda item b); seconded by Commissioner Anderson. Upon a vote, Mayor Bradley and Commissioners Anderson, Dillaha and Bridges voted yes. Commissioner Diebel voted no. The motion carried with a 4-1 vote.

Action Items Requiring Discussion:

- a) Re-appropriating funding of the form based codes project.

Commissioner Diebel commented that she asked for a report from the City Manager regarding what the planning budget was allocating so they could have a priority discussion.

Building Director George Wiggins explained that the Planning Department has \$45,000 remaining in its 2009 budget for consulting that was not used for completion of the comprehensive plan. The remaining \$51,730 would have to come from contingency and that approving this re-appropriation would reduce the unreserved fund balance at the end of the year by \$96,730. He added that in June 2008, the Commission suspended the form based code project to concentrate on completing the comprehensive plan.

Mayor Bradley commented that the three main alternatives considered are as follows: 1) do not complete the project; 2) re-appropriate the funds now and complete the project; and 3) consider re-appropriating the funds for this project as part of the fiscal year 2010 budget process. Mr. Wiggins and Mr. Canin with Canin and Associates answered questions.

Commissioner Diebel commented that they need to make a planning determination if they go forward with the work and to prioritize this accordingly. She stated that the original premise was that they were going to continue with authoring the land use code without the input of the form based work that has already been done or would be completed.

Motion made by Commissioner Bridges that they postpone this until they have the budget meetings and then prioritize this work and determine at that point whether they need to complete it; seconded by Commissioner Dillaha.

Commissioner Dillaha agreed that they should wait until they have their budget discussion. Commissioner Bridges stated for the record that she wanted to postpone this is until the budget discussion because she does not want to take the \$50,000 out of their reserves at this point.

Commissioner Diebel commented that she found it to be inconsistent to author the land use code without having the input of the form based code but if it is the will of the Commission to delay this because it is now a budget discussion, she suggested they also delay the land use code.

Commissioner Anderson commented that the form based code will enhance the predictability of what can be developed in Winter Park and is somewhat independent of the completion of the land use codes and would be a great supplement. He believed that they have overwhelming budget issues and commented that they should put this in with the other budget decisions that they will be making shortly. Planning Director Jeff Briggs answered questions.

Commissioner Bridges agreed with having this discussion as part of the budget. Commissioner Dillaha also agreed. Commissioner Diebel commented that if this is a budgetary issue, then she wanted staff to give a recommendation on the priorities of the planning budget so that they can understand how to proceed with this discussion. Mayor Bradley agreed and stated that they will have this in addition to their parks and maintenance conversation.

Commissioners Anderson, Dillaha and Bridges voted yes. Mayor Bradley and Commissioner Diebel voted no. The motion carried with a 3-2 vote. Mayor Bradley commented that this would be discussed as part of their 2010 budgeting process.

Public Hearings:

- a) RESOLUTION NO. 2024-09: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, PURSUANT TO SECTION 170.03, FLORIDA STATUTES, CALLING FOR A PUBLIC HEARING TO DISCUSS ALL ASPECTS OF THE UNDERGROUNDING OF ELECTRIC/CATV FACILITIES WITHIN THE AREA EAST OF KEYES AVE., WEST OF PARK AVE, SOUTH OF STOVIN AVE. AND NORTH OF WEBSTER AVE.; WHICH IMPROVEMENTS BE PAID IN PART BY SPECIAL ASSESSMENTS LEVIED AGAINST ALL PROPERTIES WITHIN THE ABOVE DESCRIBED AREA; PROVIDING AN EFFECTIVE DATE.

Attorney Cheek read the ordinance by title. No public comments were made. **Motion made by Commissioner Bridges to adopt the resolution; seconded by Commissioner Dillaha.** Electric Director Jerry Warren explained that 72% of the 22 homeowners within the Neighborhood Electric Assessment District voted in favor of this project and that they had more than the 2/3 affirmative votes required. He answered questions. Attorney Cheek clarified the intent of the resolution that the Commission is voting on the funding mechanism and is to allow the statutory process to place this on the tax bill as a special assessment.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.

- b) RESOLUTION NO. 2025-09: RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK FLORIDA TO EXECUTE A LOCAL AGENCY PROGRAM AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MORSE BOULEVARD ROADWAY RESURFACING PROJECT

Joe Terranova, 700 Melrose Avenue, urged the Commission to approve the acceptance of this grant. He expressed that Morse Boulevard is one of our gateways into the City and believed this money can be used to improve the entrance. He commented that they could also have other things such as trees, lighting and electrical underground wiring to enhance the street. He added that they have money to install traffic signals on Morse and Denning Avenues.

Public Works Director Troy Attaway commented that this could be done, but the budget is a concern. He commented that the money they have for the FDOT project is to resurface Morse Boulevard. He stated that there is no money set aside for street lights or underground wiring, but there is money for the traffic signals which will be done as part of the project. Mr. Attaway answered questions.

Motion made by Commissioner Dillaha to adopt the resolution; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote. Mayor Bradley commented that the Commission and staff would like to see if there is any other coordination work that can occur while we are at this strip and to try and group projects.

- c) ORDINANCE NO. 2771-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 94 "TAXATION" SO AS TO INCREASE THE BUSINESS TAX FEES BY FIVE PERCENT (5%), PROVIDING AN EFFECTIVE DATE. Second Reading

Attorney Cheek read the ordinance by title. No public comments were made. **Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.**

- d) ORDINANCE NO. 2770-09: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 10 "ALCOHOLIC BEVERAGES" SECTION 10-48 "CLASSIFICATIONS" SO AS TO ALLOW THEATERS AND EATING AND DRINKING RETAIL ESTABLISHMENTS TO SERVE ALCOHOLIC BEVERAGES UNDER LIMITED CONDITIONS AND AMEND CLASSIFICATIONS TO REFLECT CURRENT STATE ALCOHOLIC BEVERAGE REGULATIONS. Second Reading

Attorney Cheek read the ordinance by title. No public comments were made. Building Director George Wiggins explained that minor changes were made to the first reading and are reflected in the Commission packet. He stated that there was a unique business that was seeking approval of a special type of alcoholic beverage license that would possibly be covered by the new Class 7. He asked the Commission if they would be open to adding, under Class 7, another type of business to allow consumption of beer and wine alcoholic beverages in a retail business which would be a meal assembly business. Mr. Wiggins explained the recommended change to Class 7 where they have delineated the types of uses that are permitted. Mr. Wiggins and Attorney Cheek answered questions.

Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote. Mayor Bradley clarified that the ordinance was passed as presented with the modification received today.

- e) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF ALL THE OUTSTANDING ELECTRIC REVENUE BONDS, SERIES 2005A AND SERIES 2005B, OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$60,000,000 ELECTRIC REFUNDING REVENUE NOTES AND/OR BONDS OF THE CITY TO TEMPORARILY AND PERMANENTLY FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH NOTES AND BONDS FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY; AUTHORIZING THE SUSPENSION OR TERMINATION OF INTEREST RATE SWAP AGREEMENT

PAYMENTS RELATED TO THE REFUNDED BONDS, UNDER CERTAIN
CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Cheek read the titles of ordinances e), f) and g). Finance Director Wes Hamil explained that all these have to do with refunding the auction rate securities that we have outstanding in the electric and water and sewer bonds. He stated that the City has been approached by the holder of a significant portion of the auction rate security bonds with an offer for the City to repurchase the bonds at a discount. The City would like to pursue this option with all holders of the auction rate security bonds who are motivated to sell them at a discount due to the low interest rate currently being paid and the lack of a market for these securities. He further explained the intent of the resolution and the two ordinances. He answered questions and stated that our Bond Counsel Judson Freeman, Financial Advisory Craig Dunlap and Underwriter John Eichelberger were also available for questions.

Commissioner Anderson commended our finance group and advisors for waiting until the time was better and for taking advantage of this discount to save the City money on the amount we have to pay to refund these bonds. Mayor Bradley agreed.

No public comments were made. **Motion made by Commissioner Anderson to accept the ordinance on first reading; seconded by Commissioner Dillaha. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.**

- f) AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF ALL THE OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2004, OF THE CITY, AND THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY; PROVIDING FOR THE ISSUANCE OF NOT EXCEEDING \$50,000,000 WATER AND SEWER REFUNDING REVENUE NOTES OF THE CITY FOLLOWED BY THE ISSUANCE OF NOT EXCEEDING \$57,000,000 WATER AND SEWER REVENUE BONDS AND/OR LEASE-PURCHASE OBLIGATIONS OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF; PROVIDING FOR THE PAYMENT OF SUCH OBLIGATIONS FROM THE NET REVENUES DERIVED FROM THE WATER AND SEWER SYSTEM OF THE CITY; AUTHORIZING THE SUSPENSION OR TERMINATION OF INTEREST RATE SWAP AGREEMENT PAYMENTS RELATED TO THE REFUNDED BONDS, UNDER CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE. First Reading

No public comments were made. **Motion made by Commissioner Anderson to accept the ordinance on first reading; seconded by Commissioner Bridges. Upon a roll call vote, Mayor Bradley and Commissioners Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote.**

- g) RESOLUTION NO. 2026-09: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING NEGOTIATED AND FORMAL TENDER OFFER SOLICITATIONS OF ALL OUTSTANDING WATER AND SEWER AND ELECTRIC SYSTEMS REVENUE BONDS OF THE CITY ISSUED AS AUCTION RATE SECURITIES, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

No public comments were made. **Motion made by Commissioner Bridges to adopt the resolution; seconded by Commissioner Anderson. Upon a roll call vote, Mayor Bradley and Commissioners**

Anderson, Dillaha, Diebel and Bridges voted yes. The motion carried unanimously with a 5-0 vote. Mayor Bradley commented that the Commission will need to be updated on the negotiations as they go forward.

City Attorney's Report:

No report.

Non-Action Items:

- a) City Manager's Report.

Assistant City Manager del Valle stated that the City Clerk wants to remind the Commission that their financial disclosure forms are due by July 1, 2009.

- b) Monthly financial report.

Mayor Bradley commented that the monthly financial report is for informational purposes.

New Business (Public):

1. Matt Falconer, founder of the Orange County Budget Review Board, provided the Commission with a report of their 6 month study of local government in Orange County. He stated that their goal is to lower the burden of government on small business to help our economy.

New Business (City Commission):

1. Commissioner Anderson wanted to discuss codifying certain alternate positions of quasi-judicial City boards for advancement to a full time board member such as Code Enforcement, the Board of Adjustment, and Planning and Zoning.

Attorney Cheek explained how the Charter operates and that Commission has the ability to set the number of board members, their terms, and the patterns of succession. He believed that this varied with the Mayor's power to appoint. He commented that the court will probably allow the City to make that change, but the other option is to ask the Office of the Attorney General for their input if they want to have more certainty on whether this will work. Mayor Bradley commented that he would place this on an upcoming agenda.

Commissioner Diebel commented that she was comfortable having this discussion, but not until they have a legal opinion on whether or not this discussion would be in conflict with the Charter. She stated that if Attorney Cheek needs an external opinion, then he should do this and return with an opinion so they know how to proceed.

Commissioner Anderson stated that he would leave this up to Attorney Cheek to decide whether or not he needs more specificity. He suggested that the discussion could be centered around an explanation of the facts of the current Charter and those three boards and have Attorney Cheek present that. Mayor Bradley commented that this would be scheduled for the July 13 meeting.

Mayor Bradley asked that at some point they consider more board members and less alternates. He believed that it would be better to have seven members instead of five and an alternate to provide for better quorums.

2. Commissioner Dillaha suggested that Mayor Bradley consider Wesley Ann Hunt and Frank Rosato to fill the Parks Board positions. Mayor Bradley agreed to look at the applications.

Commissioner Bridges commented that she had no opposition to any of the applications with those wanting to serve on the Parks and Recreation Board. She also had five names for the Historic Preservation Board. Mayor Bradley stated that he would be happy to receive those through the City Manager for consideration.

3. Commissioner Dillaha commented that Bill 360 passed at the state level which will impact our comprehensive plan. She stated there is a work session on June 25 and 26 with Tom Pelham from the Department of Community Affairs who will speak to planning officials about the impact of Bill 360. She asked that Mr. Briggs return with a report. Mr. Briggs stated that he would be on vacation the week of the July 13 meeting, but would do this at the second meeting in July. Mayor Bradley asked that he have this in writing before then. Mr. Briggs agreed. Mayor Bradley commented that the Home Town Democracy amendment is also something they need to follow.

4. Commissioner Dillaha asked if the Commission would like to entertain a Charter review to look at additional items including the boards. Assistant City Manager del Valle stated that they are putting together a timeline to bring to the work session on their next 90 day plan. Mayor Bradley proposed that on July 13 as they look at their 90 day plan, they determine if they have the time to do that, and if so, to schedule a work session soon.

5. Commissioner Dillaha asked for an update on the residential building code. Mr. Wiggins responded.

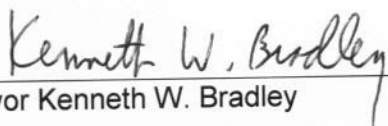
6. Commissioner Dillaha asked if there is a consensus to put the post office on the agenda for action. She stated that she was in favor of finishing the HOPE project to see if they could receive additional donations to expand Central Park and to move the post office. She explained that the pledges and donations are close to \$2 million and believed that they owe it to the citizens to follow through on that project. She stated that this is timely and that they need to make a decision as to whether or not to go forward with completing that project.

Commissioner Anderson asked if she was suggesting bringing a proposal to the Commission to consider in isolation to the rest of the Planning the Possibilities. Mayor Bradley commented that she could bring forward a proposal and it could be placed as an agenda item.

Commissioner Diebel commented that she was not comfortable putting this as an action item at a future Commission meeting and recommended Commissioner Dillaha bring this forward as a non-action item. She suggested it be clear about what City funding she is seeking to support this plan, then discuss it. Commissioner Anderson agreed and commented that this should be for discussion and not necessarily an action item. Commissioner Dillaha commented that she would bring forward a more defined plan for discussion. Commissioner Bridges commented that the citizens that pledged did so without a specific plan, and they were showing their support of the concept. She agreed with bringing a plan forward, to receive public input and to raise the money which will take time.


Commissioner Diebel asked Commissioner Dillaha to submit to the City Manager (for distribution) what she is advocating as a plan and what City funding she is requesting as part of the plan to prepare for this discussion. Commissioner Dillaha agreed. Mayor Bradley stated that he would not put this on the agenda until he sees the funding because that is the fundamental issue they face regarding how they will pay for this. He stated that as part of that funding plan, he would like to contact the other people with pledges to see the good faith nature of their pledge and whether or not it is going to become realized cash. Commissioner Dillaha asked when all of those pledges were contacted. Assistant City Manager del Valle stated that they have not been contacted since the initial pledge. Commissioner Dillaha commented that they will need to do that.

The meeting adjourned at 5:34 p.m.



Mayor Kenneth W. Bradley

ATTEST:



Cynthia S. Bonham, City Clerk
FOR Nancy McLean, Deputy City Clerk