



REGULAR MEETING OF THE CITY COMMISSION

NOVEMBER 22, 2011

Pursuant to due notice, a regular meeting of the Commission of the City of Altamonte Springs, Seminole County, was held at 225 Newburyport Avenue, in said City on November 22, 2011 at 7:00 p.m.

PRESENT WERE: Commissioners Hussey, Wolfram, Batman, Reece and Mayor Bates

ALSO PRESENT WERE: Frank Martz - City Manager
Mary Sneed - Assistant City Attorney
Linda Sundvall - City Clerk

The meeting was called to order by Mayor Bates.

INVOCATION: Mayor Bates called for a moment of silent prayer.

PLEDGE OF ALLEGIANCE

Mayor Bates recognized Eagle Scout Matthew Christopher Salazar, who was in attendance to be presented with a proclamation. She also recognized others who were present in support of Matthew, including Boy Scouts Nat Larkin and John David of Troop 38, Bert and Eleanor Johnson, Unit Commissioners for Seminole Springs, and Assistant Scout Leader David Salazar and Mrs. Salazar.

City Clerk Linda Sundvall and City Manager Frank Martz advised the Commission that Items 1 and 2 would be switched, in order to administer the Oaths of Office prior to conducting business.

2. ADMINISTRATION OF OATHS OF OFFICE TO COMMISSIONERS GARDNER HUSSEY AND SARAH REECE AND MAYOR PAT BATES

City Clerk Linda Sundvall administered the Oath of Office to Commissioners Gardner Hussey and Sarah Reece, and to Mayor Pat Bates.

1. CERTIFICATION OF NOVEMBER 8, 2011 ELECTION RESULTS

Motion: Moved by Commissioner Hussey, seconded by Commissioner Batman, to certify the results of the November 8, 2011 City of Altamonte Springs General Election. Motion carried unanimously.

3. SELECTION OF VICE MAYOR

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Batman, to nominate Commissioner Sarah Reece as Vice Mayor to serve until November 20, 2012. Motion carried unanimously.

4. CONFIRMATION OF ERIN O'DONNELL AS CITY CLERK

City Manager Frank Martz thanked City Clerk Linda Sundvall for her 18 years of service to the City and the City Commission. He stated that he wished to acknowledge that she has been an excellent team member and a really wonderful person.

Mr. Martz gave a brief overview of the search for a City Clerk once Linda decided she was going to retire and go into teaching. He explained there were a lot of applications, which were eventually pared down to four, and then two very qualified applicants. He stated that during the search, Erin emerged as the right fit for the City. He shared that during her interview she was asked why the City should take a chance on her and her response was that she would never fail. Mr. Martz stated he believes that is the attitude that Altamonte Springs employees have, that excellence is not something we try to achieve, it's something we expect. He added that he believes her attitude makes her the perfect fit and the right person for us.

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Batman, to confirm Erin O'Donnell as the City Clerk, effective January 1, 2012. Motion carried unanimously.

APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 18, 2011

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Hussey, to approve the minutes of the regular commission meeting of October 18, 2011, as presented. Motion carried unanimously.

INFORMAL COMMUNICATION FROM THE FLOOR:

Mr. Ron York, a resident of High Ridge, addressed the Commission with a concern. He stated he had been a resident of the City for 35 years, and was a friend of former Mayor George Perkins. He advised he has contacted Commissioner Batman a couple of times regarding the speed limit in his neighborhood. He stated he would like to see the speed limit increased to 25 mph, which it is in the rest of High Ridge, from the current 15 mph in his area of the neighborhood.

Mr. Martz advised he will have the Police Department and Public Works check into it. Mark Butler noted that the speed limit had previously been reduced to 15 mph at the request of residents several years ago.

5. PROCLAMATION: Matthew Christopher Salazar Day

Mayor Bates read into the record, and the Mayor and Commissioners presented Eagle Scout Matthew Christopher Salazar a proclamation proclaiming November 22, 2011 “Matthew Christopher Salazar Day” in the City of Altamonte Springs.

The Mayor and Commissioner extended congratulations to Matthew on his accomplishments.

6. PROCLAMATION: National Hospice and Palliative Care Month

Mayor Bates read into the record, and the Mayor and Commissioners presented a proclamation to Jacqueline Kazimer of Florida Hospital HospiceCare proclaiming November 2011 as “National Hospice and Palliative Care Month” in the City of Altamonte Springs.

Mayor Bates stated that in case there were some in the audience who wished to leave, she wanted to give an opportunity to Commissioners Reece and Hussey to make any statements they would like to make regarding the election.

Commissioner Reece noted that although she and Commissioner Hussey were unopposed, they supported Mayor Bates in her campaign, and hoped they gave her the support she needed, because unlike some Commissions, they are family and they all work very well together. She expressed to Mayor Bates her appreciation for all she has done for the City, and stated she couldn't imagine not having her as our Mayor.

Commissioner Hussey added his comments, stating he was excited to be part of the campaign, and he recalled that even when Mayor Bates was first elected to the Commission, her heart was really in the City. He stated that she helped develop a sidewalk in his neighborhood for the students to get to school when she was first a Commissioner. He added that they are so proud of all she does for the City.

Mayor Bates stated she appreciated all who worked so hard on the election, and the citizens who showed up and supported her and the City. She further stated she could not be prouder to be representing the City again. She praised the City staff for the job they do, and noted it is important for them to get credit for all that they do. She thanked her husband for all of his help with her campaign. She stated she loves the people of the City and the staff and again thanked all her supporters. She thanked everyone for giving her the opportunity to serve again, and stated she will serve the City proudly.

Commissioner Batman reminded everyone that Mayor Bates was also elected President of the Florida League of Cities, and that speaks very highly of her.

7. PUBLIC HEARING
2ND READING:

Ordinance No. 1638-11 – Amending the City Code of Ordinances, by repealing Division 1, “General Employees’ Pension Plan”, of Article II, “Retirement”, of Chapter 2, “Administration” and adopting a new Division 1, “General Employees’ Pension Plan”, of Article 11, “Retirement”, of Chapter 2, “Administration”

Director of Finance Mark DeBord advised that the Commission had heard this item on first reading at the last meeting. He explained that what this Ordinance is amending is the General Employees Pension Plan, and we would also be amending the Police Pension Plan in the next couple of meetings. He added that we will also be establishing an Investment Plan, so going forward we will have a Police Plan, a General Employee’s Plan and an Investment Plan as an option for General Employees. He stated that at the first reading we made all the changes to the Ordinance which he presented to the Commission at that time. He explained that since that time, the attorneys and the actuaries had taken a look and suggested a couple of small changes, the most significant of which is it had originally provided for two methods to move money into the investment plan, and now there is only one method, as the attorneys advised that the IRS would frown upon two methods. He stated that this change is located on page 6 of the attachment. He further stated they had now included an actuary report, as well,

which is the last three or four pages showing the actuary's findings that these changes would not have a negative effect on the Pension Plan or on the financial health of the Pension Plan, and in fact, might actually improve it slightly. He asked the Commission to support adoption of the Ordinance, and stated he would be happy to answer any questions they may have. There were no questions from the Commission.

Attorney Sneed read the Ordinance title into the record.

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Batman, to pass and adopt Ordinance No. 1638-11, as amended, on second and final reading. Commissioner Batman – yes; Commissioner Reece – yes; Commissioner Wolfram – yes; Commissioner Hussey – yes; Mayor Bates – yes. Motion carried 5-0.

8. PRESENTATION: FlexBUS

Mr. Martz gave some background on the FlexBUS project, directing the Commission's attention to the original map presented to Congressman Mica in January of 1999. He advised we are now in the process of completing the first piece of construction, which is a turn lane on Boston Avenue. He explained that in 1999 the City of Altamonte, Maitland, Winter Park and Eatonville were all very engaged in bringing light rail to the I-4 corridor, as they believed it would be an appropriate corridor for a high capacity transit in Central Florida, but that was not the decision that was made.

Mr. Martz further stated that they did recognize the need to have a connection between our activity centers and our economic generators in Altamonte to the regional rail system, and that is what birthed the FlexBUS. He explained that it is all ITS based (Intelligent Transit Systems-based) technology, and the Federal Governments recognized this project as a model for land use and transportation in the United States. He further explained that LYNX felt that if this project is going to work, it will work here, and if it does, the region will take this technology and move it throughout the region as regional rail grows over the next 25-30 years.

Mr. Martz also explained that regional rail is going to happen, and right now there's a focus on land use and zoning and design guidelines around stations. He stated that at the Seminole County meeting other jurisdictions were talking about transfers of development rights, but we have been doing those for 25 years. He added that at this point the focus needs to be on connecting people who are here now to the train, and getting people in and out of that system, not to go downtown. He further explained that the most important thing about the train is not going north and south, because we don't want our people leaving Altamonte and going downtown; we want them coming to Altamonte and moving east and west, as that is what's going to benefit Altamonte Springs. He stated that our sub-region of Altamonte Springs, Maitland, Casselberry and

Longwood have very intertwined economic centers, so it's important that our four cities, irrespective of whether we're in two counties or not, start to find common linkages, not just going north and south to Orlando, which would not be in the long-term best interest of Altamonte Springs, or our residents.

Mr. Torres greeted and congratulated the Mayor and Commissioners. He presented an overview of the FlexBUS project, stating that this project was envisioned a while back, so there are several project components that need to be updated, particularly in relationship to new technology that has occurred, such as all the automated interfaces for customers and reservations, for dispatch and buses, for pavement, information displays and internet applications. He reminded the Commission that in 2011 we entered into an MOU to expand the service area to include the City of Casselberry as part of the service area, and we're now in the process of updating it further to include the cities of Maitland and Longwood.

Mr. Torres explained that FlexBUS is an on-demand transit service with no fixed routes or set schedules. He stated that the maximum wait time is only 12 minutes as opposed to a fixed route bus system where the wait time is 30 minutes or an hour. He stressed that the most important part of the project is that it provides connectivity between major activity centers and it works for the transit dependent user and also the choice user. He explained that it is also a feeder system to SunRail and will help to alleviate traffic congestion. He added that we are not depending on future development or new development like in some other places, as we have plenty of development activity centers, such as the hospital, the mall, major office centers, Seminole State College, the RDV, town centers in different cities, government offices, restaurants, apartments and condos. He explained that what is lacking is connectivity between those activity centers and that is the problem we're trying to fix.

Mr. Torres spoke briefly about SunRail, explaining that it had been put on hold by the Governor, but was authorized to start again in July of this year. He stated that we're looking at starting construction of the SunRail stations in January of this coming year, with the goal of having SunRail operational in the fall of 2013. He added that they need to try and improve the ridership, and in order for SunRail to work, we need it to work for both the transit dependent user and the choice user. He further explained that all successful commuter train systems have a circulator system that supports them, and FlexBUS is our circulator; it really is the one that's going to make that connection between the SunRail stations and the major activity centers. He stated that although there is a lot of talk about land use changes, the important thing is connectivity, and land use changes can be done as we redevelop over time.

Mr. Torres noted that the vision the City had back in 1999 is still being referred to as cutting edge technology. He added that it is very exciting for all who are part of it, and it is their hope that they can create a model that can be used and duplicated in other areas.

Mr. Torres further explained the reasoning behind adding other cities to the service area, and some of the updates to the overall design, including payment integration, which would allow users to utilize SmartPhones and other similar technology. He added that Kimley-Horn and Associates had been selected as the consultant for the project, which is good, as they were the firm that was the project manager in the initial work, so they are very familiar with the project.

He explained that they are looking at any opportunities that are out there to integrate with other projects, and one is what Seminole County is doing on 436. He further explained that they are using cameras to detect the volume of vehicles going through the intersection and can adapt the traffic signal timing to maximize the efficiency and the number of vehicles that can go through that intersection. He stated it makes sense to coordinate with Seminole County and make sure that our FlexBUS is actually talking to the adaptive system, so we get either more green time, or make sure that we can make our 12 minute timeline. He added they are also working on sidewalks and sidewalk connectivity, and expansion of the Seminole Wekiva Trail system. Mr. Torres shared some information on bike share projects, electric vehicles, and increasing of the City's tree canopy to increase the level of comfort for pedestrians and bicyclists throughout the City.

Mr. Torres concluded by quoting a statement from the Secretary of Transportation: "Livability means being able to take your kids to school, go to work, see a doctor, drop by the grocery or Post Office, go out to dinner and a movie, and play with your kids at the park, all without having to get in your car." He stated that that is the goal, and we're going to do everything we can to make it happen.

9. REQUEST FOR APPROVAL:

Addendum to Memorandum of Understanding of January, 2011 between Cities of Altamonte Springs, Casselberry and LYNX regarding FlexBUS

Motion:

Moved by Commissioner Wolfram, seconded by Commissioner Batman, to approve the Memorandum of Understanding between Altamonte Springs, LYNX and the Cities of Casselberry, Longwood and Maitland. Motion carried unanimously.

10. REQUEST FOR APPROVAL:

Amendment to the FY 2010/2011 LYNX Service Annual Funding Agreement

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Batman, to approve the amendment to the Service Funding Agreement for FY 10/11 and 11/12 between LYNX and the City. Motion carried unanimously.

11. REQUEST FOR APPROVAL:

Letter of Intent for new lease for Uptown Altamonte / CRA Office

City Clerk Linda Sundvall called the Commission's attention to an amended version of the memo for this item which had been placed at each of their places on the dais, stating that the original item showed a savings of \$20 per square foot, but the savings was actually \$12 per square foot.

Motion: Moved by Commissioner Hussey, seconded by Commissioner Wolfram, to waive the formal bidding process and approve the letter of intent between the City and RP Realty Partners, LLC, and authorize the City to negotiate and execute a lease consistent with the terms of the letter of intent. Motion carried unanimously.

12. DISCUSSION:

City Manager Compensation

Mr. Martz stated we just finished up merit evaluations for all employees and established a budget for merits. Average merit award this year is 2.22%, the range from 2.79% to 1.38% over the entire employee base. Really been a good process what we've done through performance planning process is redefining what good is, redefining what our standards, and establishing stretch goals. We've been pleased to see directors, senior managers and supervisors have been really taking to heart the notion that our economy and communities are changing and the expectations of our citizens is changing. And the efficiency through which we do our work is improved. Average merit is 2.22%, and if you felt so inclined, Phil's tradition was always to be treated like the average of our employees and that's what I would suggest.

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Hussey, to award a 2.22% merit increase for the City Manager. Motion carried unanimously.

13. DISCUSSION:

Appointments to 2011 Districting Commission for Commissioner Hussey

Commissioner Hussey advised that at the October 18th meeting he had appointed David & Isabel Konstan to the 2011 Districting Commission, but that those two appointments do not live in his district so he must withdraw his appointments of Mr. and Mrs. Konstan. He then advised that he was appointing Kathy Miller and Connie Bays, who do live in his district, to the 2011 Districting Commission.

Motion: Moved by Commissioner Wolfram, seconded by Commissioner Batman, to approve Commissioner Hussey's appointments of Kathy Miller and Connie Bays to the 2011 Districting Commission. Motion carried unanimously.

- 14. FINANCE ITEM:**
- A. Contract No. C-0624 – Cranes Roost Blvd. Decorative Concrete Repairs** – Release final payment #4 in the amount of \$17,390.75 to Edwards Concrete, accept the closeout documentation and release the payment and performance bond #FLC 6976

 - B.** Waive the formal solicitation process and approve ITT Water & Wastewater, Florida LLC as the sole source provider of Flygt submersible pumps, accessories, parts and repairs for fiscal year 2012 and the next four fiscal years provided the City obtains written documentation each fiscal year confirming ITT Water & Wastewater, Florida LLC is the sole source provider and our Land Development Code continues to mandate Flygt pumps for submersible sewage lift station.

Motion: Moved by Commissioner Hussey, seconded by Commissioner Wolfram, to approve Finance Items A & B. Motion carried unanimously.

INFORMAL COMMUNICATION FROM THE FLOOR: None

REPORTS:

CITY ATTORNEY

Wished everyone a Happy Thanksgiving.

CITY CLERK

Reminded everyone of the Tree Trimming event on Friday, December 2nd at 9:00 a.m. at City Hall.

CITY MANAGER

Stated there was a discussion at the Mayors and Managers Meeting recently about consolidating CALNO into the Mayors and Managers group. Advised that the group has asked each of the municipal attorneys to review the Interlocal Agreement and develop a pathway to develop a framework by which to extract everyone from CALNO, and to the extent necessary, invest the Mayors and Managers with the roles and responsibilities that were in CALNO. He stated he would advise the Commission when he knows more.

Gave an update on the concerns about the activities at the All Women's Clinic. He stated that some of the information that the Commission had heard at the October 4th meeting was inaccurate. He explained that since the meeting the City has been looking into some of the concerns of those concerned citizens who were at the meeting. He further explained that it appears that concerned citizens were making fake appointments at the clinic, so the clinic in response was overbooking, and it does look like the facility itself was utilizing some of the other parking around in the area, using the library as kind of auxiliary parking. He stated he met with the clinic manager, and we've had code enforcement watching to see what the utility was for both the library and the clinic. He further stated that since the time that we started, the clinic has been self-parking, taking care of their own parking on their on site. He noted they found a couple of minor code violations, but they were not egregious. He further explained that he has met with the group of concerned citizens and with a state representative, and has gotten calls from four others. He stated that there have been no police reports of people vomiting in lawns. He added that it was important to note that they have had to trespass some of the concerned citizens off of the clinic property. He stated that there are some very strong points of view on this issue and he's instructed everybody on our staff that we were not going to use the word neutral at all, because we don't take a position. He further stated we do things that are lawful and don't do things that are unlawful, so we have been approaching it from a code enforcement standpoint. He also noted that in tracking the amount of parking that's been used at the library, at no time has the library parking ever been full, and is very rarely even half full. He stated they will continue to monitor the situation.

Mr. Martz advised the Commission that the franchise agreement with Progress Energy has expired. He explained that the Florida Supreme Court issued an opinion that as long as both parties continue in good faith with the terms of the franchise agreement, that while it is being renegotiated, both the franchisee and the franchisor should follow the terms of the expired franchise. He stated that Progress Energy and the City are doing the things they've always done, but in the process of negotiating the franchise agreement, there are some things that we think would inur to the benefit of the citizens of the City, and we've pressed them very hard for those things to be included in the agreement. He stated that among those are provisions relating to green and sustainable energy, and another relating to net billing. He stated that we are at a point

where we may believe that Progress Energy has not conformed to the existing franchise agreement in our most favored nation status clause which we negotiated in our last one ten years ago. He advised that what it requires Progress Energy to do is to inform the City if they offer any better terms to any other jurisdiction after we executed that agreement. He added that in our research we've discovered that there have been better terms offered to others. He explained that Progress Energy and the City both see those terms differently and they say they have negotiated in lieu of litigation alternative side agreements that they have executed with other people that have caused them to pay in excess of a million dollars of additional compensation to other cities. He stated the City feels that we should be treated just like they're treated and they don't see it that way. Mr. Martz advised that they have we've instructed our attorney to send a letter to Progress Energy with what our final position is so far as the technical points of the agreement and some of the additional terms we expect that they would fulfill the same way they've fulfilled for others. He stated he has also asked Skip to indicate that we may seek what's called a declaratory judgment which would essentially send the issue to a judge and have the judge decide who is right and who is wrong. He added that there is very little downside for us, but substantial downside for Progress Energy, because if we're right, then everybody that comes after us will make the same claims against them.

Mr. Martz did note that we have a tremendously good partnership with Progress Energy and the people we deal with are exceptional to work with, but there are times when you have to choose sides. He advised that he would not be in a position to recommend a 30 year agreement, and noted that Mr. Penland had felt 10 years was as far as he wanted to go, and we have backed it down to 5 years. He noted that technology is changing and energy efficiency is changing, and he doesn't want to put the City in a position where we are locked in. He stated that they have offered a 5 year term with some expectations that they treat us like they've treated everybody else.

He wished everyone a Happy Thanksgiving.

COMMISSIONER BATMAN

Wished everyone a Happy Thanksgiving and congratulated the Salazar family again on Matthew's accomplishments.

COMMISSIONER REECE - None

COMMISSIONER HUSSEY

Stated he was excited to serve a second term. He reiterated a previous comment from Commissioner Reece, stating that they do not consider themselves politicians, but public servants.

Advised that he and Mayor Bates had attended an event last Saturday, where Habitat for Humanity presented a house which had been donated by the City of Altamonte Springs to a citizen. He stated he was happy to be there.

COMMISSIONER WOLFRAM

Wished everyone a Happy Thanksgiving, and was glad to see everyone here for the meeting. Invited all to come back again.

MAYOR BATES

Thanked everyone for staying through the meeting. Again congratulated Matthew Salazar for his accomplishments. Thanked Linda Sundvall for her service and welcomed Erin O'Donnell. Congratulated Commissioners Reece and Hussey for being re-elected unopposed.

Reminded everyone about the Light Up the Holidays event at Cranes Roost on December 3rd. Stated the event begins around 5 p.m, with the lighting ceremony at 6:30. Advised the ribbon cutting ceremony for the Adventist Health Systems national headquarters will be on December 8th.

Thanked everyone for the honor of allowing her to serve another term, and wished everyone a Happy Thanksgiving.

The meeting adjourned at 8:20 p.m.

ATTEST:

MAYOR

CITY CLERK