

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS' MEETING

Date: Thursday, July 26, 2007
Location: Commission Chambers, Orange County Administration Center, First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: County Mayor Richard T. Crotty; Commissioners Teresa Jacobs, Fred Brummer, Mildred Fernandez, Linda Stewart, Bill Segal, Tiffany Moore
Others Present: County Comptroller as Clerk Martha Haynie, County Administrator Ajit Lalchandani, County Attorney Tom Drage, Deputy Clerk Rosilyn Stapleton

- CALL TO ORDER, 2:05 p.m.

- Invocation-Randall James, Associate Pastor, First Baptist Church of Orlando
- Pledge of Allegiance

- WORKSESSION/PUBLIC HEARING-COMMUNITY VENUES

The County Mayor outlined the agenda and the rules of procedure for the meeting.

Deputy County Administrator Sharon Donoghue presented an overview of the meeting and background information.

- COMMUNITY VENUE PRESENTATION-PERFORMING ARTS CENTER

Mr. James H. Pugh, member, Orlando Performing Arts Center Executive Committee; and Kathy Ramsberger, President and Executive Director, Orlando Performing Arts Center; presented a report.

Action: None

- COMMUNITY VENUE PRESENTATION-EVENTS CENTER

Alex Martins, Chief Operating Officer, Orlando Magic, presented a report. Board discussion ensued.

Action: None

- COMMUNITY VENUE PRESENTATION-FLORIDA CITRUS BOWL

Steve Hogan, Executive Director, Florida Citrus Sports, presented a report. Board discussion ensued.

Action: None

- FINANCIAL PLAN-CITY OF ORLANDO

City of Orlando Mayor Buddy Dyer addressed the Board and discussed his vision for downtown Orlando.

Byron Brooks, Chief Administrative Officer, City of Orlando; and Rebecca Sutton, Chief Financial Officer, City of Orlando; presented a report. Board discussion ensued. Mayanne Downs, Orlando City Attorney, contributed to the discussion.

Action: None

- DOCUMENTS/ACTION REQUESTED

1. Approval of Interlocal Agreement among the City of Orlando, City of Orlando Community Redevelopment Agency, and Orange County regarding the Performing Arts Center, Events Center, and Citrus Bowl; with such approval subject to and conditional upon subsequent approval of an Ordinance amending the Tourist Development Plan.
2. Approval of an Ordinance amending the Tourist Development Plan to provide additional funding to the Orlando/Orange County Convention and Visitors Bureau, Inc.; for the NBC Action Sports Tour X-Games in Orlando for Fiscal Years 2006/2007, 2007/2008, and 2008/2009 and to authorize the use of Tourist Development Tax Revenues to fund construction of a performing arts center and the expansion of the Florida Citrus Bowl.

Ms. Donoghue presented a report on the project funding, the interlocal agreement, the amendment to the Tourist Development Plan, and the requested action.

Board discussion ensued; Allen Johnson, Venues Director, City of Orlando, contributed to the discussion.

Action: None

- INTERNATIONAL DRIVE PRESENTATION

Marc Watson, President, Universal City Properties; Stan Thomas, Universal City Properties; Derrick Wallace, Project Manager, Vision 3D; Ken Macavoy, Senior Vice-President, Reed Exhibitions; and Ira Mitsner, Regal Developers; presented a report on Metroplex Vision 3D, a proposed events center in the International Drive area.

Board discussion ensued; Convention Center Director Tom Ackert, County Administrator Lalchandani, and Deputy County Administrator Donoghue contributed to the discussion.

- PUBLIC COMMENTS

The following persons addressed the Board:

- Jim Henson, Dr. Phillips Foundation
- Charles Gray
- Meg Crofton, Walt Disney World
- Bill Davis, Universal Orlando
- Steve Albert
- Larry Sannberg
- Former City of Orlando Mayor Bill Frederick
- Dr. Rita Bornstein
- Des Cumings
- Harry Brown, Central Florida Building Trades
- State Representative Geraldine Thompson
- Carmen Domingez, Homebuilders Association
- Don Jernigan
- Elizabeth Gianini, Burnham Institute
- Darriell Donkel
- Miguel Fuentes, Florida Carpenters Regional Council
- George Crossley
- Art Galea, Florida Carpenters Regional Council
- Dick Nunis
- Jimmy Hewitt
- Fred Leonhardt
- Martha Walker
- Larry Pino
- Donna Dowless
- Jay Yurkiewicz
- Greg Hoenstine, Central Florida Hotel and Lodging Association
- Sibille Pritchard
- Ramon Ojeda, Hispanic Chamber of Commerce
- John Sabor
- Bob Snow
- Orange County Tax Collector Earl K. Wood
- Sesh Thakkar
- Cassy Turiczek, Downtown Art District Orlando
- Gary Pfister, CountyWatch
- Miriam Landcaster
- Joshua Rudolph
- Nelson Bentancout
- Reverend Randolph Bracy, NAACP
- John Marc Avard, Performing Arts Center
- Rosanne Harrington, Orlando Utilities
- Larry Goldman
- Thomas Hellinger

- Doug DeCha
- Josephine Miller
- Cara Eule
- Bill Garnett
- David Corcoran
- Ray Koekentiet
- Clinton Salter
- Heather Rybka
- Doug Guetzloe, Ax the Tax
- Linda Noe
- Dennis Freytes
- Deborah Booth, AFL-CIO
- Ron Legler
- Terrell Blair, Sr., St. Paul A.M.E. Church
- Doug Donald
- Marie Williams, Eatonville ACORN
- Bruce Hart
- Stuart Farb
- Dennis Salvagio
- Louis A. Fazio, Jr.
- Marjorie Holt, Sierra Club
- Virgil Thomas, Florida Citrus Sports
- Reverend Jim Perry
- Buddy Anderson
- Robert Keller
- Jackie Ellis
- Lawanna Gelzer
- Judith Weakly

The County Mayor closed the public hearing and opened Board discussion.

Motion/Second: County Mayor Crotty/Commissioner Stewart

AYEs-voice vote: County Mayor Crotty; Commissioners Jacobs, Fernandez, Stewart,
Segal

NOs-voice vote: Commissioners Brummer, Moore

Action: The Board approved the Interlocal Agreement among the City of Orlando, City of Orlando Community Redevelopment Agency, and Orange County regarding the Performing Arts Center, Events Center, and Florida Citrus Bowl; with such approval subject to and conditional upon subsequent approval of Ordinance 2007-08 amending the Tourist Development Plan; further, adopted an Ordinance amending the Tourist Development Plan to provide additional funding to the Orlando/Orange County Convention and Visitors Bureau, Inc.; for the NBC Action Sports Tour X-Games in Orlando for Fiscal Years 2006/2007, 2007/2008 and 2008/2009; and further, authorized the use of Tourist Development Tax Revenues to fund construction of a performing arts center and the expansion of the Florida Citrus Bowl, as amended below.

Motion/Second: County Mayor Crotty/Commissioner Jacobs

AYEs-voice vote: All members

Action: The Board amended the main motion by adding a new Section 9.17 to the Interlocal Agreement which reads as follows:

Section 9.17-Delayed Effective Date. This Agreement shall take effect when and if, and only if, the City has either (1) leased its interest in the approximately 220-acre parcel described in the Attached Exhibit "I" to the County for renewable terms of 100 years at one dollar per year, with an option for the County to purchase in the near term 50 acres of said parcel (to be used for treatment plant construction purposes) at fair market value to be determined by the average of two appraisals, or (2) fully conveyed its fee simple interest in such 220-acre parcel to the County at nominal value; in either case, in form and substance acceptable to the County Administrator with a commitment by the County that some portion of the land will be used for park purposes within 20 years of the lease or conveyance. Such effectiveness shall be acknowledged by the County Administrator or his designee upon filing with the Clerk to the BCC a signed acknowledgement and a copy of the lease or conveyance. Notwithstanding any other provision of this Interlocal Agreement, in no event shall this Interlocal Agreement be considered in effect or in any way enforceable by any party hereto or beneficiary hereof unless and until the aforementioned lease or conveyance has been fully executed and made effective;

and further, by substituting the following language in Section 4 of the Ordinance and deletion of the existing language, as follows:

Section 4. Effective Date. The revisions to the fifth and fifteenth priorities of the Tourist Development Plan shall take effect upon filing of this ordinance with the State of Florida Department of State as required by paragraph (b) of subsection 125.66(2) of Florida Statutes (2006). The addition of the nineteenth priority of the Tourist Development Plan shall be of no force or effect if City has not, on or before August 31, 2007, either (1) leased its interest in the approximately 220-acre parcel described in the attached Exhibit "A" to the County for renewable terms of 100 years at one dollar per year, with an option for the County to purchase in the near term 50 acres of such parcel to be selected at the County's discretion at fair market value (to be determined by the average of two appraisals) or (2) fully conveyed its fee simple interest in such 220-acre parcel to the County at nominal value; in either case, in form and substance acceptable to the County Administrator. If such conveyance shall not have taken place on or before August 31, 2007, then the nineteenth priority of the Tourist Development Plan shall be deemed repealed in its entirety on September 1, 2007, without further action by the Board of County Commissioners. Fulfillment of this condition shall be acknowledged by the County Administrator or his designee filing with the Clerk to the BCC a signed acknowledgement and a copy of the lease or conveyance.

Motion/Second: Commissioners Brummer/Moore
AYEs-voice vote: Commissioners Brummer, Moore
NOs-voice vote: County Mayor Crotty; Commissioners Jacobs, Fernandez, Stewart, Segal

Action: Motion failed to confirm the action of the Board to approve the Interlocal Agreement for the construction of the performing arts center and events center and improvements to the Citrus Bowl, by a vote of 50 percent plus one of the voters that participate in the January 29, 2008, Presidential Preference Primary Election; and further, should the action of the Board not be endorsed by such vote, the Interlocal Agreement and corresponding Ordinance shall be placed on the Board's agenda for the next regular meeting following the January 29, 2008, election for reconsideration by the Board.

Motion/Second: Commissioners Stewart/Jacobs
AYEs-voice vote: All members

Action: The Board amended the main motion to approve the Interlocal Agreement by adding the following language to the following sections:

At the end of Section 3.2.1:

In addition, each Venue shall be constructed or renovated in conformance with and achieve certification for green building standards such as the Leadership in Energy and Environmental Design Green Building Rating System™ (LEED standard by USGBC) or the appropriate Florida Green Building Coalition ("FGBC") development standard.

To the beginning of Section 5.4.1:

The City shall have submitted to the County Administrator an amended version of the agreement attached hereto as Exhibit "F," which adds as a "Definitive Events Center Element" the requirement that the Events Center be constructed in conformance with and achieve certification for green building standards such as the Leadership in Energy and Environmental Design Green Building Rating System™ (LEED standard by USGBC) or the appropriate Florida Green Building Coalition ("FGBC") development standard.

To the beginning of Section 6.4.1:

The City shall have submitted to the County Administrator amended versions of the agreement attached hereto as Exhibit G, which adds as a "Quality PAC Standard" the requirement that the Performing Arts Center be constructed in conformance with and achieve certification for green building standards such as the Leadership in Energy and Environmental Design Green Building Rating System™ (LEED standard by USGBC) or the appropriate Florida Green Building Coalition ("FGBC") development standard.

Motion/Second: Commissioners Moore/Brummer
AYEs-voice vote: All members

Action: The Board amended the main motion by the addition of a new section 9.16 to read as follows:

Section 9.16-MBE/WBE Requirements. The City and the Agency shall implement via this agreement the objectives of Chapter 57, of the City Code. All complaints of alleged discriminatory acts by the holder of this agreement, the City, the Agency, or any contractor and/or subcontractor shall be received and investigated by the City Compliance Officer in accordance with Chapter 57, of the City Code.

The City shall require the submission of quarterly reports, in a format acceptable to the City and its MBE/WBE Department, documenting MBE/WBE firms used, their scopes of work, dollar value of contracts, work performed to date, and dollar amounts paid to date. At the City's sole risk and expense, a City MBE/WBE Compliance Officer may visit any Community Venue construction job site and may interview the firms and employees in order to observe and document participation by the MBE/WBE firms and minority and women employees.

Motion/Second: Commissioners Jacobs/Fernandez

AYEs-voice vote: County Mayor Crotty; Commissioners Jacobs, Fernandez, Stewart, Segal

NOs-voice vote: Commissioners Brummer, Moore

Action: The Board amended the main motion by adding a new Section 6.10 to the Interlocal Agreement that reads as follows:

Section 6.10. Additional Condition to Issuance of Each Series of Contract TDT Obligations for the Citrus Bowl. Notwithstanding any other provision of this Interlocal Agreement to the contrary, the issuance of each series of Contract TDT Obligations issued to finance the Cost of the Citrus Bowl (the "Proposed Obligations") is subject to the certification by the County Comptroller that the TDT Deposit Commencement Date has occurred and that Contract TDT Revenues for the Fiscal Year immediately preceding such proposed issuance are equal to at least 1.10 times an amount equal to the sum of (a) either: (i) if all, but not less than all, of the Contract TDT Obligations necessary to complete construction of the Performing Arts Center have been issued, the maximum annual principal of and interest on all such outstanding Contract TDT Obligations, or (ii) if less than all of the Contract TDT Obligations necessary to complete construction of the Performing Arts Center have been issued, \$9.6 million, plus (b) the maximum annual principal of and interest on any outstanding Contract TDT Obligations issued to finance costs of the Citrus Bowl, if any, plus (c) the maximum annual principal of and interest on the Proposed Obligations. The City's Chief Financial Officer shall request such certification from the County Comptroller in writing and shall provide the County Comptroller with all necessary or requested information and backing material for the County Comptroller to make such determination at least thirty (30) days prior to the authorization of such proposed debt.

To the extent that any portion of the Citrus Bowl renovations as contemplated in this Interlocal Agreement are delayed beyond December 31, 2011, due to a delay in issuing debt as a result of the provisions above, then the maximum amount of debt for the Citrus Bowl set forth in Section 6.7 herein shall be increased by an amount equal to the lesser of (a) the increase in the Consumer Price Index-All Urban Consumers, measured

from the time any delayed contract would have been procured to the time any such delayed contract is actually procured, as determined by the Orange County Comptroller or (b) the actual additional cost of the delayed portion of the Citrus Bowl renovations, as further determined by the Orange County Comptroller.

Motion/Second: Commissioners Fernandez/Segal

AYEs-voice vote: All members

Action: The Board amended the main motion by adding a new Section 5.4.10 to the Interlocal Agreement to read as follows:

The County and the Orlando Magic, Ltd., and/or the Orlando Magic Foundation, Inc., have entered into a formal agreement, in both form and substance acceptable to the County Administrator, to provide for the financing and construction of five (5) gymnasiums to be located on County controlled property.

Motion/Second: Commissioners Brummer/Jacobs

AYEs-voice vote: Commissioner Brummer

NOs-voice vote: County Mayor Crotty; Commissioners Jacobs, Fernandez, Stewart, Segal, Moore

Action: Motion failed to amend Article 5, Section 5.4.7 of the Interlocal Agreement as follows:

- Page 21: Strike the words "option and shall provide that"
- Page 22: Strike lines 1 through 4 of the continued paragraph
- Page 21: Insert the following language: "option. The City and the County agree that neither will accept use of seats, boxes, or suites without payment by either party."

Motion/Second: Commissioner Segal/County Mayor Crotty

AYEs-voice vote: All members

Action: The Board amended the main motion by adding a new Section 6.4.8 to the Interlocal Agreement to read as follows:

The City and the Agency shall have caused the OPAC Agreement to be amended to include additional language at Section 7.2 of such OPAC Agreement requiring that upon Substantial Completion of the PAC, OPAC shall add two additional members of the OPAC Board of Directors. One such member shall be nominated by the Mayor of the City and the other shall be nominated by the Mayor of the County and then approved by the OPAC Board as voting members of such Board under the then existing bylaws of the OPAC.

- ADJOURN AS THE BOARD OF COUNTY COMMISSIONERS AND RECONVENE AS THE ORANGE COUNTY COMMUNITY REDEVELOPMENT AUTHORITY

1. Approval of Acknowledgement and Consent to Expansion of boundaries of the Downtown Redevelopment Area within the boundaries of the Orange County Redevelopment Area along the right of way of Church Street as set forth in the

Interlocal Agreement among the City of Orlando, City of Orlando Community Redevelopment Agency and Orange County.

Motion/Second: County Mayor Crotty/Commissioner Segal

AYEs-voice vote: All members

Action: The Orange County Community Redevelopment Authority acknowledged and consented to expansion of boundaries of the Downtown Redevelopment Area within the boundaries of the Orange County Redevelopment Area along the right of way of Church Street as set forth in the Interlocal Agreement among the City of Orlando, City of Orlando Community Redevelopment Agency, and Orange County.

- MEETING ADJOURNED, 11:40 p.m.

There being no further business, the County Mayor adjourned the meeting.

ATTEST:

Martha O. Haynie
 County Comptroller as Clerk

 County Mayor

 Deputy Clerk

 Senior Minutes Coordinator