

REGULAR MEETING OF THE CITY COMMISSION
April 25, 2011

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 provided by Pastor David Barker, Aloma Baptist Church, followed by the Pledge of Allegiance.

Members present:

Mayor Kenneth Bradley
Commissioner Steven Leary
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper (departed 8:45pm)

Also present:

City Manager Randy Knight
City Attorney Larry Brown
City Clerk Cynthia Bonham
Deputy City Clerk Michelle Bernstein

Approval of the agenda

Commissioner McMacken requested that Item 11.f. (Ordinance-Advisory Board membership and roles first reading) be moved to Action Items Requiring Discussion. **Motion made by Commissioner McMacken to approve the agenda with this change; seconded by Commissioner Cooper.** Mayor Bradley advised that if they do take action they cannot make appointments at this time or they could adjust the appointments at a different time; therefore, he will be voting against changing the agenda. **Mayor Bradley voted no. Commissioners Leary, Sprinkel, Cooper and McMacken vote yes. Motion carried with a 4-1 vote.**

Mayor's Report

a. WPHS Basketball Team Recognition

Mayor Bradley recognized Winter Park High School for achieving the Men's Basketball State Championship for the second year in a row and for ranking number 4 nationally by USA Today. Mayor Bradley proclaimed April 25, 2011 as Winter Park High School Boy's Basketball Team day.

b. Presentation by Dana Sussman of the 30th Tree City USA Award, the 20th, Growth Award and the grant check, from the State of Forestry, for \$18,000 for Hazardous Tree Pruning

Ms. Dana Sussman, Florida Department of Urban Forestry presented the 30th Annual Tree City USA Award and a 20th Annual Growth Award. She also presented a grant check from the State of Forestry for \$18,000 for hazardous tree pruning. She summarized the standards the City must meet annually to continue to receive the Tree City USA Award and to receive the Growth Award. Lee Mackin, Forestry Division advised that April 29 will be National Arbor Day and the Forestry Division will be hosting a tree-planting ceremony and tree giveaway in Central Park and encouraged all to attend.

c. Proclamation - Occupational Safety and Health Week

Mayor Bradley read a proclamation proclaiming May 6, 2011 as Occupational Safety and Health Professionals day and May 1-7, 2011 as North American Occupational Safety and Health week.

d. Proclamation - Administrative Professionals Week

Mayor Bradley presented a proclamation marking April 24-30, 2011 as Administrative Professionals week and recognized all Administrative Professionals for their great work.

e. Donation to the Friend's of Mead Garden from the Florida Symphony Youth Orchestra

Mayor Bradley noted that through the generosity of a Florida Symphony Youth Orchestra supporter who wishes to remain anonymous, a gift of \$250,000 was donated to the Friends of Mead Garden and the City of Winter Park Parks and Recreation Department. This gift will be used to build a combined performance stage and learning pavilion overlooking Lake Lillian, as part of the revitalization of Mead Botanical Garden. Mayor Bradley thanked the anonymous donor for this wonderful gift.

f. Citizen and police recognition

Mayor Bradley recognized Leka (Alex) Nikollaj an employee of Giovanni's Restaurant for his valiant efforts in assisting with apprehending and detaining a bank robbery suspect so that the Winter Park Police department could make an arrest. A presentation of the Citizen Award was given to Mr. Nikollaj for his heroic and courageous actions.

g. Thanks to City staff for a very successful 10th Dinner on the Avenue

Mayor Bradley thanked City staff for making the 10th Dinner on the Avenue a wonderful event.

Mayor Bradley mentioned that last week a worker cut through a TECO gas line and the response from the City's Fire Department was outstanding. He personally thanked them for their service in making everyone safe.

h. Board applications and appointments for the City Commission meeting of May 9, 2011

Mayor Bradley reminded everyone to submit their board applications before the next meeting of May 9 if they would like to be recognized and considered. It was noted that there is no deadline; however, the appointments will be made at the next meeting of May 9, 2011.

City Manager's Report

City Manager Knight followed up on an item from their Strategic Planning session. He said they talked about the creation of some sort of group or task force to look at City Hall and the library and what opportunities are available for future rebuilding with a public/private partnership. Commissioner Leary shared his understanding and said they discussed looking at this more holistically but in a larger scale format for future projects and to obtain ideas and recommendations that maybe incorporates the library, City Hall and other projects so that 10 years down the road they have a plan rather than being forced to make a decision.

Commissioner McMacken recalled they wanted to engage individuals with different expertise to be involved in a task force or group that would help them look at things in a larger view with possible different locations for various buildings that could be considered in the future.

Verbatim provided per the direction of the Commission of 5/9/11: "Commissioner Cooper said she believed the discussion from the Commission surrounded the fact that they should consider bringing the best development minds in the community together to help us figure out how we could build City Hall and the library at no cost to the citizens that was her understanding and she personally is not in favor of that but she wasn't on the majority end of that discussion. From her perspective she would want that committee to be as formal as possible, with people appointed, with agendas and with scheduled meetings that the citizens are open to attend.

Commissioner Sprinkel said they also wanted some 'out of box' thinking and to have some people come together that might not be a formalized situation but a task force that could work for a period of time and bring them a number of different ideas.

Verbatim provided per the direction of the Commission on 5/9/11: "Commissioner Cooper also said she thinks those discussions are perfectly acceptable, she just wants to make sure that they are very public, they are very transparent and the citizens have an opportunity to hear what is said and understand what they are considering and what it means relative to their public property and what happens on that property and with that property and that is her only concern.

City Manager Knight said they could put something together for the next meeting as an action item. Mayor Bradley asked that the item include a scope and a process by which to include interested parties/citizens who would like to serve. The request was acknowledged.

City Manager Knight advised that they are close to putting out the bid for the Fairbanks Avenue project between 17-92 and I-4. He said further exploration has taken place with regard to colored and stamped asphalt for the medians and the cost will be approximately \$1 million additional to the project so they would either need City funds or an assessment option. There was consensus to put it out to bid both ways, with and without the colored stamped asphalt medians.

City Manager Knight then provided an update on the pension reform bill. He advised that the House sub-committee passed the House version last week that would allow us to negotiate changes to the plan with the respective bargaining units and not have the threat of losing the state 175/185 money if they negotiate such changes. It also allows that money to be used toward any unfunded liability, both of which are positive steps should they remain. He mentioned that he sent them an email containing a written report on other legislative items and that he will keep them informed on the future updates. Mr. Knight answered questions.

Commissioner McMacken asked if they have received the contract revision amount from the consultant on Fairbanks for not doing the medians and doing the paved medians. He also asked about a timeline for each task and the completion dates and asked if they could include an extra line item in their report with this information. The request was acknowledged. Water and Wastewater Utility Director David Zusi advised that he received a revision to the contract and that it will be on the next agenda. He said it will also include the JPA agreement as long as FDOT returns it back to him in time.

City Attorney's Report

No items to report.

Non-Action Items

a. Financial Report – March 2011

Finance Director Wes Hamil provided the March 2011 financial report and answered questions. **Motion made by Mayor Bradley to accept the financial report; seconded by Commissioner McMacken and carried unanimously with a 5-0 vote.**

Consent Agenda

- a. Approve the minutes of 4/11/11. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
- b. Approve the following purchases and contracts:
 1. PR 146564 to Camp Dresser & McKee, Inc. for Comprehensive Water Rate Study, (Task Order CDM-2011-01); \$72,408
 2. Blanket Purchase Order to GATSO USA, Inc. for administration of red light safety enforcement system; \$70,000
 3. Deduct Change Order COR-011 to Community Center contract (RFQ-17-2009) with Turner Construction Company and authorize the Mayor to execute the change order document; deduct \$6,888
 4. After the fact Change Order COR-013 to Community Center (RFQ-17-2009) to increase to project GMP but within overall budget and ratify the decision of the City Manager; \$18,175. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 5. After the fact Change Order COR-014 to Community Center (RFQ-17-2009) to increase to project GMP but within overall budget and ratify the decision of the City Manager; \$21,010. – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**
 6. Deduct Change Order COR-015 to Community Center contract (RFQ-17-2009) with Turner Construction Company and authorize the Mayor to execute the change order document; deduct \$7,387
 7. Amendment #1 IFB-8-2010, Reforestation Services with Groundtek, Inc. and authorize the Mayor to execute Amendment #1 – **PULLED FROM CONSENT AGENDA FOR DISCUSSION – SEE BELOW**

Motion made by Commissioner McMacken to approve Consent Agenda Items b'1-3' and b'6'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Consent Agenda Item 'a' - Approve the minutes of 4/11/11.

Mayor Bradley indicated that there is a minor modification on page 2 regarding the title of Mr. Reicher and requested to correct the title as Chairperson. Commissioner Cooper referenced page 3, Presentation on Economic Development and the sentence "A reason was not given for the no vote." She said she is not sure that sentence is necessary since the items she questioned were clear and asked that her discussion items be added to the minutes. Mayor Bradley indicated that he recalled the conversation; however, he believes only one item was mentioned and would prefer that particular sentence be deleted.

Motion made by Mayor Bradley to approve Consent Agenda Item 'a' with the change from President to Chairperson and "A reason was not given for the no vote" stricken; seconded by Commissioner Leary. Commissioner Cooper asked if her motion failed. Mayor Bradley clarified that she did not make a motion.

Motion made by Commissioner Cooper to add her discussion items back into the minutes. Motion failed for lack of a second.

The original motion carried unanimously with a 5-0 vote.

Consent Agenda Item b-'4' - After the fact Change Order COR-013 to Community Center (RFQ-17-2009) to increase to project GMP but within overall budget and ratify the decision of the City Manager; \$18,175.

Consent Agenda Item b-'5' - After the fact Change Order COR-014 to Community Center (RFQ-17-2009) to increase to project GMP but within overall budget and ratify the decision of the City Manager; \$21,010

Commissioner Cooper questioned the two after the fact change orders and the process. City Manager Knight said they have a process that allows him to do this and report them to the Commission after the fact when the timing of such would cause the project to be delayed if they wait the two weeks. He further explained that they are two completely different change orders, one is relative to the locks in the building and the other was relative to the roof and both happened to occur within the same two week period.

Motion made by Mayor Bradley to approve Consent Agenda Item b-'4' and b-'5'; seconded by Commissioner Leary. Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

Consent Agenda Item b-'7' - Amendment #1 IFB-8-2010, Reforestation Services with Groundtek, Inc. and authorize the Mayor to execute Amendment #1

Mayor Bradley asked about the current services of Groundtek and the reforestation. He said they have had a lot of dead trees and is concerned with the process and this amendment. Parks and Recreation Director John Holland explained that they are guaranteed for one year and they have required Groundtek to replace/replant the dead trees which they are currently performing. He indicated that they have surpassed our one year contract date and requested that they continue the contract until the services are completed as they still have one quadrant left which is approximately 80 trees to replant. He also indicated that they will not execute this amendment until they have completed this year's existing contract.

Motion made by Commissioner McMacken to approve Consent Agenda Item b-'7' with the condition that Amendment #1 be held until the current planting in this quadrant is completed; seconded by Commissioner Leary and carried unanimously with a 5-0 vote.

Action Items Requiring Discussion:

a. City of Winter Park Fallen Hero's Memorial

Fire Chief Jim White provided information which included the materials to be used, the size of the memorial and site location. September 11, 2011 will mark the 10th anniversary of the tragic deaths of close to 3,000 Americans of which more than 400 were public safety servants. He stated their goal is to work with a local architect to design a fitting memorial site at the Public Safety Complex to honor both those lost in this attack and those Winter Park Public Safety workers who have served and have made the ultimate sacrifice. Funding for the project would be provided through a donation from the Winter Park Rotary Club with a memorial fund being established through the sale of engraved bricks along the memorial. This project is supported by both Public Safety agencies and the Public Art Board. They have only considered ideas that are appropriate in honoring those fallen public servants and feel strongly that this memorial reflects the communities commitment to their public safety employees and the sacrifices made on 9-11.

Motion made by Mayor Bradley to approve the preliminary plans for the City of Winter Park Fallen Hero's Memorial; seconded by Commissioner Sprinkel. Commissioner McMacken asked about the timeframe. It was clarified that the Rotary Club is working diligently to raise the funds and they hope to have this constructed by 9-11 of this year. **Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

b. Offer of a sculpture *White "A"* by Winter Park resident Micheline Kramer to the City for a 10 year period on Morse Boulevard

Joseph Roviario, Chairman of the Public Art Advisory Board, indicated that they are in support of the gift to the City. They have met with both Micheline Kramer and staff at the proposed site and the location works well. He indicated that if this gift is accepted and is installed at this location it will enhance the Art on the Lakes Tour because the sculpture will be at the start of the current boat tour. Mayor Bradley thanked Ms. Kramer for this wonderful gift and indicated that if other citizens have similar artwork he encouraged them to bring it forth to the Art Advisory Board for review.

Motion made by Commissioner McMacken to approve the White "A" sculpture donation for a 10 year period on Morse Boulevard; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

c. Administrative policy

City Manager Knight advised that as a result of last year's Strategic Planning Session staff was directed to bring back several policies including the budget policy and pension funding which is inclusive. Mr. Knight explained that there are significant new or changed policies included as follows:

I (8) – Establishes a policy that the City will fund the higher of the minimum required contribution or the annual pension cost of the police and fire defined benefit retirement plans each year.

I (9) – Established a policy of budgeting an operating contingency of no less than ½ of 1% of the budgeted General Fund expenditures.

I (11) – Modifies the City Manager budgetary level of control. Currently, any budget transfer between departments requires Commission approval. Under this proposed policy, the City Manager would be able move budgeted amounts between departments within the same fund. If this policy is accepted, it would also need to be reflected in the budget ordinance that is adopted in September.

Sections II – IV. All of this is either covered by a separate adopted policy or has been past practice.

V (3) – Sets forth policy for what happens once the City reaches its Reserves goal of 30% of recurring expenditures.

V (5) – Establishes a policy for enterprise fund working capital levels.

Sections VI – IX. These sections formalize what has been past practice.

Section X. This section formalizes into a policy a motion that was adopted by the Commission at its meeting on August 9, 2010.

Motion made by Mayor Bradley to approve the Administrative Policy as presented; seconded by Commissioner Leary.

Commissioner Cooper asked for clarity regarding Item I, Operating Budget Policies, #8 pertaining to the terms relative to the annual required contributions on the pensions. Mr. Knight explained that each year the actuary tells the City what they should fund and that is the amount that the City always funds; however, there are years if they go back to the early 2000's where our normal cost was higher than what the actuary told the City to put in because we were over funded at that time. He advised that this would require the City to set aside the normal cost each year for preventative measures should we need to use it.

City Manager Knight answered Commissioner Cooper's concerns regarding Item II, Revenue Policies, #3 user fees; #6 percentage of operating transfers to the General Fund from the utility funds; Item IV, Debt Policies, and if it should be included in two different policies; and Item V, Reserves Policies, #3 pertaining to the amount in excess of 30% may be used at the discretion of the Commission to fund any nonrecurring costs such as a capital project contained in the five-year CIP, to pay down a debt balance or to fund a consulting study or survey.

Commissioner Cooper referenced Item VII, Accounting and Fiscal Reporting Policies, #1 stating "An independent audit will be performed annually." She said they should have an independent audit of the City's actuarials and inquired if that item is included in a different policy. Mr. Knight noted that it is currently not in any policy. He further explained that they have an audit of the pension funds every year but they do not have someone that audits the actuary report because per state statutes the pension board chooses the consultants so we do not have oversight over that. He said they have suggested this to them in the past and will do so again. She asked that this item be brought before the board.

Commissioner McMacken shared his concerns regarding Item X, Scheduling of Meetings Policies, #1, "All such work sessions or special meetings should be requested and if possible scheduled in a regularly scheduled public City Commission meeting." City Manager Knight explained that there is an exception to the above and referenced #2 by advising that if an unforeseen, time sensitive matter arises in which waiting for the next regularly scheduled Commission meeting could result in an adverse impact of some kind, the meeting can be called outside of a regularly scheduled Commission meeting. Mayor Bradley requested that a distinction be made between special called meetings and work session meetings. Commissioner McMacken agreed. Commissioner Cooper requested that it says "special meetings should if possible be requested and scheduled" as opposed to "special meetings should be requested and if possible scheduled".

Motion amended by Commissioner Cooper to include the following changes: Under scheduling of meetings, "be requested and if possible schedule" to say "and if possible be requested and scheduled"; seconded by Commissioner McMacken.

Motion amended by Commissioner Cooper that what they do with the 30% reserve overage to delete "the use of those funds for surveys or consulting" and they keep it to "capital or paying down debt"; seconded by Commissioner McMacken. Commissioner Cooper wanted to make sure that her amendment above does not allow them from being able to use these funds for emergencies. City Attorney Brown stated that Item V. #2a has specific language that would control over general language and it states that "The portion of the 30% undesignated reserve balance described in (1) above may be used at the discretion of the City Commission for emergency and non-emergency uses and it does define emergency uses." City Manager Knight clarified that one item talks about the 30% and the other talks about the overages.

Mayor Bradley stated that he cannot support her amendment because he may want to give the money back to our citizens.

Motion amended by Mayor Bradley to suggest that anything over 30% would be at the discretion of the Commission including potential rebates to our citizens; seconded by Commissioner Leary.

Mayor Bradley asked for clarity regarding Item V, Reserve Policies, #4 regarding 10% of any annual increase in the General Fund balance as reported in the audited Comprehensive Annual Financial Report will be designated for the acquisition of land for parks. City Manager Knight explained that this is 10% of the General Funds.

Upon a roll call vote on the amendment (Under scheduling of meetings she requested to move the "be requested and if possible schedule" to say "and if possible be requested and scheduled"); Mayor Bradley and Commissioners Leary, Cooper and McMacken voted yes. Commissioner Sprinkel voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the amendment (that what they do with the 30% reserve overage to delete "the use of those funds for surveys or consulting" and they keep it to "capital or paying down debt"); Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on the main amendment (to take all of the differences so that it reads “it is at the discretion of the City Commission for emergency and non-emergency uses”); Mayor Bradley and Commissioner Sprinkel voted yes. Commissioners Leary, Cooper and McMacken voted no. The motion failed with a 3-2 vote.

Upon a roll call vote on the main motion as amended (to approve the Administrative Policy) with the following items (Under scheduling of meetings to move the “be requested and if possible schedule” to say “and if possible be requested and scheduled”) and (that what they do with the 30% reserve overage to delete “the use of those funds for surveys or consulting” and they keep it to “capital or paying down debt”); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Public Comments

William Shallcross, 1450 Bonnie Burn Circle, spoke about the book called “Married to the Mouse” and encouraged everyone to read it because it talks about the history of how the road network in Central Florida was developed.

Peter Weldon, 700 Via Lombardy, asked why the Land Development Code is included in the Comprehensive Plan. He asked the Commission to consider bringing up this topic for broader discussion because it has long term strategic importance.

Lurline Fletcher, 790 Lyman Avenue, said that certain houses on the west side have trash building up and that Waste Pro is not picking up yard trash on Wednesdays. She asked the City to address the situation.

d. Purchasing Policy

City Manager Knight advised that this policy was put together by staff and Purchasing Manager Carrie Woodell who also serves as current President of the Florida Purchasing Association. Attorney Brown also reviewed the policy and made recommendations to help protect the City against challenges and legal issues. He also noted that Ms. Woodell utilized 11 different purchasing policies from around the state as well as best practices and that this policy is a substantial re-write from the previous policy.

Motion by Mayor Bradley to accept the Purchasing Policy; seconded by Commissioner Sprinkel.

Commissioner Sprinkel asked for clarity regarding Section II, General Guidelines, Category One, Two and Three relative to verbal quotes. Purchasing Manager Carrie Woodell explained that they conducted two surveys in both 2009 and 2011 of 13 different municipalities within the Central Florida area to understand what the threshold amounts are related to when quotes are needed to be obtained and when formal solicitations are needed to be solicited. She said it is very common to acquire verbal quotes up to a certain threshold amount and written quotes for amounts over a certain threshold amount. She advised that we currently require that a record be made for the verbal quotes but typically the City departments fax over a request for quotes so they are currently being returned to the City in written format.

Commissioner McMacken said while going through the edits from Attorney Brown there were several that were not picked up. He asked if these items were included and if so where he could find them and if not, why it was not included. Commissioner McMacken referenced Section 2, General Guidelines, Item d "recommending that the manual include a specific identification of the staff positions who are authorized to purchase at each category, such as Category One and Two, you may want to include Purchasing Director, Department Head, etc. The other two items were in Section 6.03, Limitations, #13 adding "Time is of the essence provision" and the "Most favored nation clause".

Attorney Brown explained that they provided a redline document and it was their intent to include those items and it was Ms. Woodell's intent to use the redline he provided.

Mayor Bradley stated that as the maker of the motion he would accept Attorney Brown's language for the 3 items listed above to be included in the main motion; seconded by Commissioner Sprinkel.

Commissioner McMacken noted that when they are raking a firm they currently do not offer additional credit points for using local businesses and asked if they should include it in the policy. Mayor Bradley said he thinks that item should be included in the RFP process. Commissioner McMacken then asked about Section 14, Procurement of Design Build Services, and if they should include MBE or WBE as part of any other proposal and not just the design build. Ms. Woodell said they typically include language in the construction boiler plate related to minority owned businesses. He referenced Section 15, Professional Services – Financial Auditor and the selection procedures for a financial auditor. Ms. Woodell clarified that we are required to have one Commission member on the Review Selection Committee per City Charter.

Commissioner Cooper referenced Section II, General Guidelines, Item d and recommended the addition of a requirement that the City Manager will make provision for periodic reporting to the City Commission and Mayor of all purchases and the identity of persons who made each purchase (along with a statement of sufficient information indicating the purpose of the acquisition). She also recommended that in lieu of the above report, she would like this information listed on the City's website as an on-going activity and by doing this she would be comfortable doubling the City Manager's signature authority. Assistant City Manager Michelle del Valle stated that the purchasing webpage currently lists the current contracts and bids. Ms. Woodell acknowledged her request and said they could look into putting that information on their webpage. City Manager Knight advised that last year there were only 45 transactions that fell in the \$25,000 to \$50,000 range.

Commissioner Sprinkel recommended including something about buying local in the overarching if it is possible so they do not have to specify it in every document.

Motion made by Mayor Bradley to include "preference is given to Winter Park firms or businesses that all other purchasing matters are equal"; seconded by Commissioner Sprinkel.

Motion amended by Mayor Bradley regarding the RFP process that does two things, that within all RFP's the low and the high scores are thrown out. City Manager Knight said they

changed this so that an individual member of the selection committee ranks the firms from a 1-5 rather than the 0-100 system. **Motion failed for lack of a second.**

Motion amended by Mayor Bradley on Page 139 to make it an annual review of surplus property; seconded by Commissioner Cooper.

Motion amended by Commissioner Cooper that they have monthly reporting. City Manager Knight said the bi-monthly was in the other policy and the financials was quarterly. **Motion was withdrawn.**

Upon a roll call vote on the 1st amendment (preference is given to Winter Park firms or businesses that all other purchasing matters are equal); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call vote on the 2nd amendment (on Page 139 to make it an annual review of surplus property); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

Upon a roll call on the main motion to accept the Purchasing Policy as amended (Section II, General Guidelines, Item d “recommending that the manual include a specific identification of the staff positions who are authorized to purchase at each category, such as Category One and Two, you may want to include Purchasing Director, Department Head, etc. Section 6.03 Limitations, #13 bullet item adding “Time is of the essence provision” and the “Most favored nation clause”); Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken from 5:32 p.m. to 5:55 p.m.

e. Debt Policy

Financial Director Wes Hamil presented the debt policy.

Motion made by Mayor Bradley to approve the debt policy, seconded by Commissioner Sprinkel.

Commissioner McMacken asked about capital leasing, fixed rate debt and compliance reporting. Mr. Hamil and City Manager Knight responded to questions.

Commissioner Cooper asked about reporting practices and addressed the need for information on the website regarding the Electronic Municipal Market Access system. Mr. Hamil stated he could add a line to Section 13, Continuing Disclosure Requirements, describing how to access data. She then requested that debt ratios be looked at on an on-going basis. She spoke about the goal in the policy of 30% for the reserves and that she believed we need measurable benchmarks. Mayor Bradley stated that we should set a financial goal and was not sure what that percentage should be and if factors such as ratings should be part of a debt policy.

Commissioner Cooper read from a publication of the Government Finance Officers Association that "a government should develop distinct policies for general obligation debt, debt supported by revenues of government enterprises and other types of debt such as special assessment bonds, tax increment financing bonds, short term, variable leases and limitations on outstanding debt and minimum debt service should be expressed as ratios." City Manager Knight stated that debt per capita is the most misused ratio there is and that is why he does not want to see this used. Commissioner Cooper again stressed the need for a debt policy that established debt ratios that are reasonable and can be explained to the citizens. Mayor Bradley reminded the Commission that the citizens voted for the debt we have. City Manager Knight asked if she is referring to putting limits in the policy. Commissioner Cooper explained she is talking about goals and benchmarks. City Manager Knight stated they can report any ratio. She stated she is not trying to put a limit on debt for future Commissions. She stated this is supported by many agencies. Mr. Knight explained what he meant about the debt per capita ratio being misused and how the ratio can be skewed because of the situation. She believed that providing more education and transparency to the public was a good idea.

Commissioner Cooper stated she is supportive of the general obligation debt level set at 2% and wanted to see this same sort of thing done for other funds as well as the general fund.

She asked that the wording on page 3, under 'g', the last bullet (the use of a fully funded debt service reserve should always be evaluated against the use of a surety or other debt service reserve product) be changed to read: "the use of a fully funded debt service reserve is preferable to the use of a surety or other debt service reserve product." City Manager Knight asked her to explain why this is preferable. She said if you lose the credit rating under surety then you will have to end up having to fund the cash anyway. Mayor Bradley stated the best kind of debt is debt not backed by anything and if people will loan the City money if needed without that, why would they want to have the taxation of Winter Park or something else at risk.

City Manager Knight explained if you fund a debt service reserve you are funding your maximum annual payment you may have to pay so they need to set whatever the amount is aside as our surety for some future payment that we may default on. Using a surety, you are paying a lot less for an insurance policy that says if you do not make a payment, then they step in and make that payment. He stated when you say evaluate, you are going to look at it every time and ask if it makes more sense to bond to set this aside, or is it better to pay a small amount for an insurance premium. He stated that this says whenever you do an issuance you are going to evaluate which one makes the most sense at that time. He stated he would prefer not to change the language because he does not want to tie the City down to something that should be evaluated on a case by case basis.

She then addressed 'h', Bond Insurance, 3rd paragraph and the language that says "should be" and that she believed should be made more definitive and should say "must be at least equal to". She commented on 'i', Credit Ratings, and the "should be" included there also. She stated if you cannot get a good rating, then we should question that debt issuance. Finance Director Hamil said not necessarily and explained that you only need to get a rating when you have public offerings and just because it is not rated, does not mean it is a greater credit risk.

Commissioner Cooper spoke about 'k', Tax Status and 'l', Subordinated Debt. She addressed the use of the word "should" again and believed those needed to be fixed. Mayor Bradley explained to Commissioner Cooper that she needs to make these as amendments.

Commissioner Leary asked for clarity if they are listening to a long amendment. Commissioner Cooper said 'no' that these are questions she is discussing with Finance Director Hamil. She said she will go back and make amendments to areas she thinks is reasonable.

Mayor Bradley stressed that questions should be done with staff before Commission meetings. Commissioner Cooper stated they were provided with four new policies that impact the City in huge ways and that they did not have a work session on these beforehand. She spoke about her preference for a Financial Advisory Board that would advise the Commission on matters of finance. She continued by saying that untangling a swap agreement cost the City over \$16 million and that her questions are legitimate and will ask them all and when she is finished, she will make an amendment. She stated it is her fiscal responsibility to do that. Mayor Bradley responded that is well said but they have all read the policy and all received them at the same time and did not know why these questions were not asked before the meeting started today. He asked that the questions be asked in a timely fashion because there are many other items on the agenda that need attention.

Motion made by Commissioner Cooper that this particular ordinance be tabled until they have an opportunity to meet with our financial advisors and/or a committee of financial advisors. The motion failed for lack of a second.

Commissioner Cooper then addressed 'o', Refunding Criteria, where it says "the life of the refunding bonds should not exceed the remaining life of the bonds being refunded or the assets financed, whichever is longer" and asked if longer is what they really mean there. David Moore of Public Financial Management (PFM) explained why they recommend using the word "should" throughout because they want to create the ability to move in a certain direction but at the same time allow for the exceptions that come up all the time. He stated the intent is correct as it is written and should not be changed.

She spoke about #7, Method of Sale "the issue is neither too large to be absorbed by the market or too small to attract investors" and asked if we have ever run into a bond being too large to be absorbed by the market. Mr. Moore explained it is unlikely and is a matter of the market. Next, under this section "if conditions for a competitive bond sale are not available, etc." she wanted to add that "staff will document the supporting reasons why a competitive sale cannot be obtained." Mr. Moore stated that those findings are generally required to be made in the financing resolution.

Commissioner Cooper then stated she does not know how to deal with financial advisors not serving as the underwriter and wanted to broaden it to add (p. 6) "they also cannot resign to become an underwriter and cannot terminate their employment and become an underwriter within some fixed period of time". Mayor Bradley stated that is covered in our contract with them. Mr. Hamil verified that was part of the RFP. Commissioner Cooper asked that the policy be beefed up a little.

Under 7 'b', Private Placements, "the City's Financial Advisor will compare the overall costs of a private placement with those of a public offering and recommend the most cost effective approach". She wanted to make sure this was a written recommendation.

Mayor Bradley asked that amendments be made so the Commission is clear and only suggestions are being made at this time and everyone is not sure what to do with them.

Each issue was amended individually as follows:

Motion amended by Commissioner Cooper that:

- 1) Where possible change the “should’s” to a more directive nature that under item ‘g’ we state that fully funded debt service reserve is preferable to the use of a surety;
- 2) Page 5, #7 Method of Sale, to add that staff will document the supporting reasons why a competitive sale (bid) cannot be obtained;
- 3) Page 6, 2nd bullet to include language that prohibits a financial advisor from resigning, quitting or in any manner serving as our underwriter within some fixed period of time (maybe a year or whatever is thought to be reasonable);
- 4) Page 6, ‘b’, Private Placements, I want to request that a written recommendation is provided from our financial advisor;
- 5) Item ‘f’, Approvals, (right now it gives total authority to the financial adviser for negotiation) that it says ”by the staff assisted by financial advisor”;
- 6) Page 8, #10, (Variable Rate Debt Instruments) would like to state a preference for fixed rate debt;
- 7) Page 9, #11, 2nd paragraph talks about “utilizing interest rate swap agreements to achieve substantially lower interest rate is a main component in building the desired capital structure” asked to strike that sentence;
- 8) Page 10, ‘c’, 3rd paragraph, “debt management program” is capitalized and is not a defined term nor is there a particular program that I am aware of and asked to make these non-caps; and next paragraph talks about “various interest rate scenarios shall be updated on a periodic basis” and would like to define a period of time, not less than whatever is reasonable;
- 9) Page 11, ‘e’, Optional Termination, “the city shall consider including a provision” and wants to change to “the city shall pursue” and make it active instead of just a consideration and would like it to be an objective;
- 10) Page 12, Swap Agreements, are an extremely lucrative product for the industry and wants to see them removed from our policy – they cost the city a lot of money and they make a lot of money for a lot of other people other than the citizens – I appreciate they can save you some money but no one has been able to show us an analysis that shows that in the end they save money;
- 11) #14, Effective Date, GFO best practice recommends that the debt policy be reviewed annually so she wants this changed to annually instead of from time to time. Amendments seconded by Commissioner McMacken.

William Shallcross, 1450 Bonnie Burn Circle, asked when they received the information and spoke about the amount of time the citizens had to sit through this issue with most of it not being understood by the public. Commissioner Cooper apologized.

Larry Williams, Eucalyptus Properties, 300 N. Park Avenue, spoke about it being the right time for Swaps. It was clarified that the Commission approves all debt and that staff cannot enter into any swap whereby all are presented at a public meeting.

Commissioner Leary asked if these amendments are presented as one amendment. Commissioner Cooper requested they be presented separately so people can reject any particular item. Attorney Brown stated we need a second for each motion to amend.

To correspond to the list above, the following action was taken:

- 1) **Change the “should’s”. Motion failed for lack of a second.**
- 2) **Add that staff will document the supporting reasons why a competitive sale (bid) cannot be obtained. Seconded by Commissioner McMacken. Motion failed with a 3-2 vote with Mayor Bradley and Commissioners Leary and Sprinkel voting no and Commissioners Cooper and McMacken voting yes.**
- 3) **Prohibits a financial advisor from resigning, quitting or in any manner serving as our underwriter within some fixed period of time. Seconded by Commissioner McMacken. Motion failed with a 3-2 vote with Mayor Bradley and Commissioners Leary and Sprinkel voting no and Commissioners Cooper and McMacken voting yes. Mayor Bradley stated he voted against this because it is in their contract.**
- 4) **A written recommendation is provided from our financial advisor. Seconded by Commissioner McMacken. It was clarified by Commissioner Cooper that she wants to make sure the financial advisor recommendations come to them in writing. Motion carried with a 3-2 vote with Mayor Bradley and Commissioner Sprinkel voting no and Commissioners Leary, Cooper and McMacken voting yes.**
- 5) **Approvals to say “by the staff assisted by financial advisor”. Motion failed for lack of a second.**
- 6) **State a preference for fixed rate debt. Seconded by Commissioner McMacken. Motion failed with a 3-2 vote with Mayor Bradley and Commissioners Leary and Sprinkel voting no and Commissioners Cooper and McMacken voting yes.**
- 7) **Remove master swap agreements. Seconded by Commissioner McMacken. Motion failed with a 3-2 vote with Mayor Bradley and Commissioners Leary and Sprinkel voting no and Commissioners Cooper and McMacken voting yes.**
- 8) **“Various interest rate scenarios shall be updated on a periodic basis” and would like to define a period of time, not less than whatever is reasonable. Seconded by Commissioner McMacken. Debt Management Program capitalization failed for lack of a second. Commissioner Cooper asked that a definition of “periodic” be included and that annually is okay. Mr. Hamil commented that the financial advisor will monitor the long and short term interest rates on much more frequently than an annual basis for refunding opportunities, etc. Amendment to the motion was withdrawn by both motioners.**
- 9) **Change to “the city shall pursue” versus consider. Motion failed for lack of a second.**
- 10) **Swap agreement removed. Seconded by Commissioner McMacken. Motion failed with a 3-2 vote with Mayor Bradley and Commissioners Leary and Sprinkel voting no and Commissioners Cooper and McMacken voting yes.**
- 11) **Debt policy be reviewed annually. Seconded by Commissioner McMacken. Motion carried with a 4-1 vote with Commissioner Leary voting no and Mayor Bradley and Commissioners Sprinkel, Cooper and McMacken voting yes.**
- 12) **Another amendment was added. Motion amended by Commissioner Cooper (added another one) that indices of benchmarking be added against peer cities and reviewed (debt service to revenues available to pay debt, debt to personal income, debt per capita, debt to property value). Seconded by Commissioner McMacken. Motion failed with a 3-2 vote with Mayor Bradley and Commissioners Leary and Sprinkel voting no and Commissioners Cooper and McMacken voting yes.**

Motion amended by Commissioner Cooper that affordability of debt report annually to the Commission. Motion failed for lack of second.

Motion made by Mayor Bradley to approve the entire policy as amended (a written recommendation is provided from our financial advisor and that the debt policy be reviewed annually); seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. Commissioner Cooper voted no. The motion carried with a 4-1 vote.

- f. Negotiation and approval of contract with Trane, U.S., Inc. - Guaranteed Energy and Water Savings Performance Contracting Retrofits, using Clean Energy and EECBG Grants and municipal lease purchase

Public Works Director Troy Attaway mentioned that this action follows a previous Board approval of the execution of agreements between the Florida Department of Energy and the City of Winter Park: \$360,207 from the EECBG and \$325,000 from the Clean Energy Grant; a total of \$685,207 grant funding. He explained that they are looking for approval for the City Manager and staff to negotiate a contract and enter into an agreement with Trane U.S. Inc. for the implementation of a Guaranteed Energy and Water Savings Performance Contract for the City facilities. Attorney Brown is comfortable with the language. Mayor Bradley requested that they be able to review the contract prior to the approval/signing. Mr. Attaway acknowledged and noted that the financing of the improvements will be brought back to the City Commission for approval consistent with the exact terms of the contract once negotiated.

Motion made by Mayor Bradley to ask the City Manager to enter into negotiations with Trane U.S. Inc. and bring them the financing post haste; seconded by Commissioner Cooper.

Attorney Brown advised that he reviewed this item about a year ago and it is still the case that they are going to piggyback this item off of the Martin County contract which is why there is no formal RFP or bidding process.

John Murphy, unknown address, questioned the available contracts that are in the state and other agencies. He asked that they look around to make sure this is the best one.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

- g. City of Winter Park representative to the Tri-County League of Cities

Motion made by Commissioner McMacken to appoint Commissioner Cooper as City of Winter Park representative to the Tri-County League of Cities; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

h. Amendment of the Holler – Orlando RV Vehicle Sales Agreement

Planning Director Jeff Briggs explained that when the Holler Chevrolet business closed and the properties were largely vacant for three years, the zoning rules (which now prohibit car/vehicle sales on Fairbanks) did not allow any subsequent vehicle sales dealership use to be re-started. Both the Hollers and the City are hopeful that redevelopment will occur on these properties but given the state of the economy those prospects were/are limited. The City was open to restoring vehicle sales on an interim basis but did not want a 15-20 year lease that would discourage the redevelopment we all had hoped for.

In November 2008, the City Commission approved an interim agreement to allow the Orlando RV business to operate at 860 West Fairbanks for up to seven years. Annual extensions are permitted at the City's discretion thereafter. The owners agreed in return to heavily landscape the property and have done so. A year later, the agreement was extended to the former Holler Corvette property at 710 W. Fairbanks Avenue on the corner of Capen and Fairbanks Avenue, subject to the same time limits. It is currently being used for Orlando RV inventory.

This request is to extend the agreement for additional Orlando RV inventory on the former Holler "truck lot" property on the north side of Fairbanks Avenue at 805 W. Fairbanks Avenue, subject to the same time limits and in return for a landscaping upgrade and removal of the chain link fence which has already been done. All three properties would then be on the same time limit schedule.

Mayor Bradley asked for clarity regarding the timeframe. Mr. Briggs said it will be another five years and then they can come back for annual renewal.

Commissioner McMacken asked about the landscape upgrade and if it can be done on both sides of the street and wanted to see what the upgrade is to make sure it is of the same type and scale. Mr. Briggs explained that they are offering to re-landscape the existing islands on the north side and will not create new ones because of the month to month nature of the lease. He said seven (7) gallon, 40 inch hedges to screen the property will be along the road but what you will not get is the signature landscape piece at the corner of Denning.

Motion made by Commissioner McMacken for the applicant to speak and for approval contingent on the landscape on this side of the property in which they are talking about is comparable to the landscape that is currently existing on this portion of the property as it is a gateway to our City; seconded by Commissioner Cooper.

Attorney Frank Hamner spoke on behalf of the applicant. He said they will not get the same quality of landscaping that they have on the south side; however, they will get a significant upgrade in the replacement of what was the existing landscaping and the removal of the chain link fence.

Motion amended by Mayor Bradley that the landscape stands as is in the current agreement that has been brought before them; seconded by Commissioner Leary.

William Shallcross, 1450 Bonnie Burn Circle, said he would rather see sidewalks installed versus landscaping.

Donna Colado, 327 Beloit Avenue, requested that they do not park the vehicles right to the corner of the property because it inhibits the view of traffic.

Upon a roll call vote on the amendment (that the landscape stands as is in the current agreement that has been brought before them); Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

Upon a roll call vote on the main motion as amended (that the landscape stands as is in the current agreement that has been brought before them); Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioners Cooper and McMacken voted no. The motion carried with a 3-2 vote.

i. Approval of additional architectural plans for the West Fairbanks vision

Planning Director Jeff Briggs provided background information. As part of the Placemakers contract, templates were developed to show with site plans and building elevations, showing how representative properties along the Fairbanks corridor 'could' look as part of the West Fairbanks vision when redeveloped following the provisions of the form based code and the City's comprehensive plan/zoning rules. These plans or templates show the most intense or greatest density of the redevelopment that is possible. They all depict multi-story mixed use building examples, which are what the form based code intends to encourage. They also show the ultimate redevelopment form. The Commission briefly discussed at the last meeting engaging Placemakers to depict some less intense, more interim redevelopment scenarios. Staff is supportive of the suggestion to spend \$10,000 which would provide three more interim templates for the corridor.

Mayor Bradley asked about the form based code and if it includes the maximum build-out. Mr. Briggs said it does. Mayor Bradley asked why we would have to illustrate anything less than that. Mr. Briggs said it will help the current and future property owners relate to more of a real world scenario that they can envision. It will also promote build-out on Fairbanks Avenue.

Motion made by Commissioner Cooper to approve additional architectural plans for the West Fairbanks vision; seconded by Commissioner Sprinkel.

Lisa Coney, 1350 West Fairbanks Avenue, said she thinks they are putting the cart before the horse. She would like for the Commission to create a task force to review this and educate the community and property owners so they can see what the form based code includes before implementing it.

Mayor Bradley said he is interested in seeing how they intend to engage the property owners, both through the current process as well as if they expand the process. He asked if staff has a plan for this. Mr. Briggs said there is a plan and there is no moving forward without engagement and participation by the property owners. At this time he does not have the product from Placemakers in a comprehensible manner. He thinks it would probably be a May/June kick-off. Commissioner Leary asked if the EDC plan will be tied into the form based code when it comes time to look at the corridor plans. Mr. Briggs said yes.

Commissioner Cooper asked how much has been spent on drawings for West Fairbanks to date. Mr. Briggs said the original common ground Charette was directed Citywide and it was not focused on West Fairbanks. Placemakers has focused with the \$30,000 contract on the initial deliverables, which was the form based code, the architectural guidelines and the templates for these five individual properties and now they are just supplementing the templates with some other examples.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.

A recess was taken at 7:25 p.m. to 7:35 p.m.

j. Hours of sale and consumption of alcoholic beverages

Motion made by Mayor Bradley that the ordinance which governs (section 10-33 of our sale of alcohol as well as our noise ordinance) be referred to our Economic Development Advisory Board, to our CRA Advisory Board and our Planning and Zoning Commission to create consistency throughout our City. Motion failed for lack of a second.

Commissioner Cooper shared her concern with the many residents that attended the meeting and recommended that they allow them to speak. She indicated that she did not second the motion because she would prefer to have the citizens speak first. There was consensus to allow for 20 minutes of public comment.

Bill Shallcross, 1450 Bonnie Burn Circle, said there is a public safety issue in terms of underage drinking. He suggested and encouraged a probationary period and asked that they consider a 2:00 a.m. closing for all drinking establishments within the City.

Pastor Dawkins, Warner Chapel Baptist Church, said they are not in favor of extending the hours of alcohol sales in the City. He encouraged more community enhancement and community relations.

Reverend John Williams Senior, Ward Chapel AME Church, asked the Commission to consider the hazards and to keep the City safe by not extending the hours.

Mary Daniels, 650 Canton Avenue, spoke in opposition to extending the hours of alcohol sales in the area of residential homes and churches.

Ernest Manning, 677 Callahan Street, spoke in opposition to the extension of hours for alcohol sales.

Lurline Fletcher, 790 Lyman Avenue, said not only is it a traffic hazard and safety issue, this is a residential area and she does not agree with extending the hours for alcohol sales.

Bernard Hails, 741 Northwood Circle, was opposed to the extension of hours for alcohol sales.

Joe Terranova, 700 Melrose Avenue, said he believes everyone wants the Hannibal Square area to be a restaurant area but the situation has changed now and after 15 years these restrictions need to be lifted.

Kenneth Murrah, 1601 Legion Drive, urged the Commission not to approve the extension of hours.

Ron Benzeev, 1007 Greentree Drive, said the City should be a fair place to live where everyone has the same rules and same playing field. He said right now the Westside does not have that privilege and because of the current rules those businesses have to reject opportunities to earn income and are losing a lot of money. He stated it is not fair especially during these hard economic times.

Sally Flynn, 1400 Highland Road, addressed the promise made to the residents to not allow the extension of alcohol sales in this area and she hoped they do not allow this.

Adam Heath, representing Boathouse Restaurant, said this needs to be looked at since it hinders business for the other local restaurants. They supported extending the hours for the other businesses that have to close earlier.

A.C. Carson, Associate Minister at Bethel Missionary Baptist Church, said that they need to set an example to our young people and not allow this to happen. He opposed the extension and said that nothing good will come of it for the community.

Teri Gagliano, representing of Chez Vincent & Hannibal's, said they would like to have uniform laws Citywide so that everyone is treated fairly especially since they pay the same amount of taxes.

Dan Bellows, 425 West New England Avenue, spoke about the safety, health, morals and the welfare of the community and said there is no distinction between the Hannibal Square businesses and those on Park Avenue or Fairbanks that are in the same proximity to residences and churches.

John Sebastian, 1323 Aloma Avenue, said there is a time for change and now is the time and is very much in favor of the extension.

Vincent Gagliano, Owner of Chez Vincent – Hannibal's, said he has operated his restaurant for over 14 years. He said he could not afford to open his restaurant on Park Avenue so he opened it on the Westside knowing they had a one year probationary period. He added that 14 years later they are still on probation and he feels that they are being punished for a crime that they did not commit. He said they are in the same city and county but there are two different laws and it is not fair that everyone is treated differently.

John Murphy, unknown address, indicated that he does not see a problem with the extension.

Mayor Bradley had concerns with businesses, residents and churches all being treated differently. Commissioner Sprinkel said it is not satisfactory to everyone right now but they need to have a solution that everyone is in agreement with. She recommended working together possibly with a board or a task force so they can reach a solution that everyone is satisfied with. Commissioner Leary said they should welcome and encourage new businesses to the area and indicated there is a noise ordinance that takes care of most of the concerns.

Motion made by Commissioner Leary to have the Planning Department come back with a more consistent and even handed ordinance to control this across the City; seconded by Mayor Bradley.

Commissioner McMacken shared his concern with the proximity and uses of restaurants/bars and single family neighborhoods. He said there have been conditional uses with probationary periods for the last 14 years and this is how the City has dealt with the inconsistency of these uses and that is why they have conditional uses. Mayor Bradley said the use of conditional uses has now gotten completely out of hand and they have laws that are not consistent and they need to deal with it. Commissioner Cooper believed there is time for a change but they should not create a bar environment on the Westside and will not be supporting this.

Motion amended by Commissioner Sprinkel to go back to the Planning Department with the understanding that they work towards a mutually satisfactory condition with all interested parties. She thinks they are trying to do a black and white version and there has to be some middle ground. She addressed the need to ask others to assist them with creating numerous solutions that model the middle ground and have it come back to them for review. **Seconded by Mayor Bradley.**

Commissioner Sprinkel clarified her motion by saying that they are asking the Planning Department of the City to take on this task with the help of other people that they may want to include in a task force and bring back some recommendations to the Commission.

Motion amended by Commissioner Cooper that they include representatives of the Ministerial Alliance on the Westside and also Park Plaza. Motion failed for lack of a second.

Commissioner Leary asked if it would include a group of 10 or more. Mayor Bradley clarified that if this passes staff will enter into a public dialogue with the community, businesses and ministerial associates for numerous solutions and recommendations to choose from. Commissioner Leary wanted to make sure there was clear direction for both staff and City Manager Knight. Mr. Knight acknowledged that it was clear.

Upon a roll call vote on the amendment (to go back to the Planning Department with the understanding that they work towards a mutually satisfactory condition with all interested parties); Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

Upon a roll call vote on the main motion as amended (to have the Planning Department come back with a more consistent and even handed ordinance to control this across the City) (to go back to the Planning Department with the understanding that they work towards a mutually satisfactory condition with all interested parties); Mayor Bradley and Commissioners Leary, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.

A recess was taken at 8:33 p.m. to 8:44 p.m.
Commissioner Cooper departed the meeting at this time.

k. Community conversations

Motion made by Mayor Bradley to contract as been suggested for their community conversations which they discussed at the Strategic Planning Session; seconded by Commissioner Sprinkel.

Mayor Bradley restated the motion to include the 5th session; seconded by Commissioner Leary.

- Welcome Center; 8:30 am – Noon; target group businesses
- Mt. Vernon Inn; 6:30 pm – 9:30 pm; target group residents at large
- Winter Park Presbyterian Church Social Hall; Saturday 10 am – 1 pm; target group residents at large
- Winter Park Library; 1 pm – 4 pm; target group seniors, businesses, residents
- Possible 5th target group; Students/youth; TBD if funded

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

Mayor Bradley said he looks forward to staff informing them of the dates and time and even though they said they would like to have these group conversations in May he wants to make sure they give everyone ample notice so that everyone can participate and to allow for proper notification.

l. Approval of agreement with Kulture, LLC – consulting services related to upcoming PERC election

City Manager Knight provided background. The Public Employee Council 79, AFSCME has filed a petition with the Public Employees Relations Commission (PERC) to hold an election to unionize approximately 150 employees in the Public Works, Parks, Fleet Maintenance and Water Utilities Departments. The election will likely be held in June or July. Kulture LLC would assist the city in training and coaching managers and conducting a series of topical small group meetings with the impacted employees.

City Manager Knight advised that they received briefings and advice from the City's Labor Attorney Fawsett and this item is being brought forward with recommendation for approval.

Motion made by Commissioner McMacken to approve the agreement with Kulture LLC; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

Public Hearings

- a. ORDINANCE NO 2840-11: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DECLARING A MORATORIUM AS TO THE FILING AND RECEIPT OF ANY APPLICATION FOR, OR ISSUANCE OF, BUSINESS TAX RECEIPTS, BUSINESS LICENSURE AND LAND USE APPROVALS FOR THE OPERATION OF "PAIN MANAGEMENT

CLINICS" FOR 320 DAYS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, SEVERABILITY, AND AN EFFECTIVE DATE Second Reading

Attorney Brown read the ordinance by title. No public comments were made.

Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

- b. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE REFUNDING OF THE OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2001, OF THE CITY; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM AD VALOREM TAXES OF THE CITY LEVIED WITHOUT LIMITATION AS TO RATE OR AMOUNT ON ALL TAXABLE PROPERTY IN THE CITY; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Brown read the ordinance by title. Finance Director Wes Hamil provided background. City Manager Knight explained that this is a refunding opportunity to save money on the bonds that were originally issued to build the Public Safety Building. He indicated that there will be approximately an 8% savings based upon the last calculation they performed.

Jay Glover with Public Financial Management advised that the final maturity is 2021 and they are projecting based on the current market that they could save approximately \$600,000 on a present value basis which equates to about \$65,000 a year through that final maturity.

Motion made by Commissioner Sprinkel to accept the ordinance on first reading; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" SECTION 58-90 "CONDITIONAL USES", SO AS TO REVISE APPLICATION SUBMITTAL REQUIREMENTS AND APPROVAL PROCEDURES FOR CONDITIONAL USES, REVISE THE STANDARDS FOR DRIVE-IN CONDITIONAL USES, PROVIDING FOR SEVERABILITY, CONFLICTS, PROVIDING AN EFFECTIVE DATE. First Reading

Motion made by Mayor Bradley to table the Advisory Board membership and roles ordinance to the May 9 meeting with some time certainty due to the lateness of the hour; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

- d. Conditional use request for a second story addition onto the existing building at 200 N. Park Avenue zoned C-2 (Quasi-Judicial Hearing)

Planning Director Jeff Briggs explained that was a unanimous recommendation from the Planning and Zoning Commission (P&Z) to approve the conditional use to complete the second floor on the building at 200 N. Park Avenue. He said it comes with 3 conditions from P&Z (the

approval permits the second floor addition with or without the balcony/loggia; the applicant to record a binding lot restriction for the remote parking lots to tie them to the main property as the required parking for the second floor addition; and the applicant consider additional landscaping or other methods to soften the blank wall facing Lincoln Avenue.) and it may potentially be used by connecting tenant "C" with the RLF office next door. He said if that is the case this approval would permit a pedestrian bridge across the Center Street alley to connect the two buildings but this is a stand-alone request because that may or may not happen in terms of the lease agreement with RLF. Mayor Bradley asked if the crosswalk meets code. Mr. Briggs said 'yes' it will.

Motion made by Commissioner Leary to accept the conditional use request as presented; seconded by Mayor Bradley.

Commissioner McMacken asked for clarity on the motion and if includes the 3 P&Z conditions. Mayor Bradley said yes, as it was presented that way. Commissioner McMacken asked about the additional landscaping and if there is any way to help articulate architecturally the blank wall at this property. Applicant Larry Williams noted that if they were to do a scallop cut out, maybe no more than 12 inches and continue with the bamboo theme in the rear it would look great. Mr. Williams said that landscaping is extremely important to him and they can be assured that he will do it. Commissioner McMacken said anything along that blank wall would be appreciated.

Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

- e. RESOLUTION NO. 2081-11: A RESOLUTION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING SUNRAIL, CENTRAL FLORIDA'S FIRST PASSENGER RAIL PROJECT

Attorney Brown read the resolution by title. No public comments were made.

Motion made by Commissioner to adopt the resolution and the immediate sending of it to Governor Rick Scott, the Central Florida Rail Commission, the Speaker of the House and the President of the Senate; seconded by Commissioner Leary.

Commissioner McMacken said there are numerous 'Whereas' clauses in the document. He said these are speculation in his mind and does not mind sending a message that they are supporting it but would like to delete certain items pertaining to the three 'Whereas' clauses regarding the economic impacts analysis and the 'Whereas' clause regarding the implementation of SunRail will result in the overall social and environmental benefits.

Motion amended by Commissioner McMacken to delete the four 'Whereas' clauses:

WHEREAS, an economic impact analysis of the planned system shows more than \$981 million in commercial business sales and 11,523 jobs tied to construction and operation of the system over the next 30 years; and

WHEREAS, an economic impact analysis of future transit-oriented development plans along the 61.5 mile system shows such development within a half-mile radius of the

station stops is expected to directly account for an additional 38,310 permanent jobs in Orange, Osceola, Seminole and Volusia Counties; and

WHEREAS, an economic impact analysis shows a secondary impact, realized when workers spend earnings in the area, is forecasted to exceed \$2.5 billion; and

WHEREAS, implementation of SunRail will result in overall social and environmental benefits, improve the quality of life in the state, stimulate economic growth, create new employment opportunities, and serve as a positive growth management catalyst; and

Motion failed for lack of a second.

Upon a roll call vote, Mayor Bradley and Commissioners Leary and Sprinkel voted yes. Commissioner McMacken voted no. The motion carried with a 3-1 vote. (Commissioner Cooper was absent).

- f. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA CONSOLIDATING CITY BOARDS AND COMMISSIONS, DEFINING THE DUTIES OF BOARDS AND COMMISSIONS OF THE CITY OF WINTER PARK, AND REPEALING CERTAIN ORDINANCES AND RESOLUTIONS RELATING TO SUBSIDIARY BOARDS AND COMMISSIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Motion made by Mayor Bradley to table the Advisory Board membership and roles ordinance to the May 9 meeting with some time certainty due to the lateness of the hour; seconded by Commissioner Leary. Upon a roll call vote, Mayor Bradley and Commissioners Leary, Sprinkel and McMacken voted yes. The motion carried unanimously with a 4-0 vote. (Commissioner Cooper was absent).

Commissioner Reports:

a. Commissioner Leary

Commissioner Leary said he had the pleasure of starting the Run for the Trees race this past weekend and they had over 1,300 runners and was a wonderful event. He said over the course of the last 19 years they have given away over 15,000 trees netting approximately \$55,000 for the fund. He said it was a great race and thanked the staff for their outstanding efforts.

b. Commissioner Sprinkel

1. Commissioner Sprinkel said it was a pleasure to start the 57th Easter egg hunt last week and it was a great event.

2. Commissioner Sprinkel informed everyone that when she receives the agenda packet if she has questions she calls staff right away to ask her questions. She suggested that the other Commissioners do the same thing and to contact staff before the meetings if they have any questions.

3. Commissioner Sprinkel said she asked Attorney Brown about the new Purchasing Policy pertaining to the procurement. She said he explained that the CRA does not follow the same

policy as the rest of the City and although they oversee them, it makes no sense that the CRA is not a part of it. She said she would like a little more understanding and to formalize that process so that the CRA is required to somehow follow the same policies that are in place for procurement.

Attorney Brown clarified and said the statute that authorizes the CRA provides that if the City establishes the CRA it is a separate entity. He said the purchasing manual now provides that all purchases that the CRA brings to the City must be accomplished pursuant to the procurement practices of the City so if the CRA is going to use City staff then it will abide by City procurement practices. He said to close that loop, the Commission controls the CRA so when they are meeting as a CRA if that separate agency wants to implement a policy that requires all of the CRA purchasing to go through the City then they have closed the loop.

Mayor Bradley agreed and said they need to ask the CRA Agency Board to address the procurement policies. He also said that he is not sure if it includes the Debt Policy or not. Attorney Brown said it could. There was consensus for this to be addressed by the CRA Agency Board. The request was acknowledged.

4. Commissioner Sprinkel said she is honored to participate in the Super Regional Conference in Tampa this weekend and she will bring back anything worthwhile to the group.

5. Commissioner Sprinkel spoke about the numerous emails she received from a number of residents concerning tonight's current agenda items and that she did not understand why or where this information was coming from especially because some of the information was inaccurate. She advised that each of them need to be more aware of what they send out and to be sure it is accurate information. She stated that as a group they need to be more careful about what they send out and when they send it out because right now there are some people in the public sector that have some information that is not accurate. She recommended as a group to be aware that they should not just send stuff out until they have massaged it, looked at it and reviewed it more carefully before it goes out.

c. Commissioner Cooper

Not present.

d. Commissioner McMacken

1. Commissioner McMacken mentioned that 10th Dinner on the Avenue was such a huge hit once again and agreed that they could use another block since it draws so many people. There was consensus to have staff look into this and to include the merchants in any discussions. There was also consensus that in the future when we are advertising the "Dinner on the Avenue" event that the Communications Department also advertise "Bring a can donation" to encourage more people to participate by bringing a can of food to the event.

2. Commissioner McMacken wanted to follow up on Mead Gardens and the long term governance issue and how the money is being spent. He requested that this issue come back to them even if it comes back as a recommendation from the Parks Department. Mr. Holland acknowledged.

e. Mayor Bradley

1. Refer to the Ethics Board a Resolution governing the conduct of Winter Park elections

Mayor Bradley said approximately four years ago the Winter Park Chamber of Commerce adopted a statement on the Ethical and Civil Conduct Practices for elections (attached). He was intrigued by it and proposed to ask the Ethics Board to review this as a potential document along other documents that the City Attorney may provide and determine if there is a support for a civility code that would govern the communication discussion of debate in the City. There was consensus to have this done with no time certainty.

2. City Commission communication and e-mail newsletters to citizens

Mayor Bradley said based on recent City Commissioners sending out emails he suggested having a declaration under it that says "this is one person's view." He said he certainly does not want to stop this but in fairness the email should come from all of the Commissioners and/or the other Commissioners should have access to that same email contact list should they desire to do the same thing. City Manager Knight asked for clarity.

Mayor Bradley explained if a Commissioner chooses to send out a synopsis of the Commission meeting with their opinions/views using his or her email address that the other Commissioners should be able to use the same email contact list. City Manager Knight indicated that the email list he is referring to is not a City email contact list and noted that there has already been a public records request for those email addresses which has been provided. Mayor Bradley asked if a Commissioner wanted that same email list if they can request that information from him. City Manager Knight said 'yes'.

Attorney Brown clarified that the email list is part of a public record so any Commissioner or citizen can obtain that email distribution list. He reminded them that whatever they send out as a Commissioner is public record. Attorney Brown said the Charter says that an individual Commissioner cannot direct staff to do work, they can seek out information and they could give advice. Certainly individual Commissioners have the right on their own facilities to send out public record communications. He said typically you would require them to include the disclaimer that they are not speaking on behalf of the City or the Commission, but are speaking individually.

Mayor Bradley indicated that he is interested in some specific communications from a Commissioner and other Commissioners that he believes if it discusses how they are going to vote in the future on an issue is probably a violation of the Sunshine law and maybe even campaign violations. Attorney Brown said that an elected member of a collegial body can send email communications to other members, the Sunshine violation arises when they respond; this is clearly not best practice.

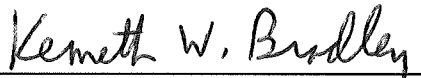
Mayor Bradley asked Attorney Brown to look specifically at the communications from Commissioner Cooper and if there is a specific way that this can be done so that all of the Commissioners can have access to that information. If that is not possible, then Attorney Brown

needs to have some individual communications with each of them regarding what they should and should not be doing to protect all of them from violations of the Sunshine Law including Commissioner Cooper. Attorney Brown acknowledged.

3. Policy regarding citizen and board member enforcement of municipal code

Mayor Bradley asked that a policy or resolution regarding citizen and board member enforcement and communications for board members be drafted. He said apparently the letter that City Manager Knight sent out did not communicate its intended consequences. City Manager Knight said this item can be included in the forthcoming Board ordinance as a part of the policy. There was consensus to bring forth as a resolution for review.

The meeting adjourned at 9:24 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

The Winter Park Chamber of Commerce

Statement of Ethical and Civil Conduct Practices

Because I believe in the importance of civility, honesty and integrity in the City of Winter Park;

And because I believe that participation in local government is a fundamental liberty we enjoy;

And because I believe political issues can be debated freely without appealing to prejudices;

And because I believe positive campaigning and dialogue promote citizen involvement;

And because I believe raising the level of civilized public debate is a personal responsibility;

I hereby pledge that, as a citizen of the Winter Park community, I will

1. Conduct myself in a manner that promotes public confidence in the integrity, fairness, competence, independence and impartiality of the election process;
2. Publish, display and/or circulate only campaign literature, political advertisements, signage, banners, e-mails, Web sites, blogs or other forms of communication that clearly identify the author, source of stated facts and/or paid sponsor;
3. Do my best to encourage my friends, family, neighbors and colleagues to adopt this attitude and put into practice those healthy habits;
4. Take a stand against the use of fabricated statements, untruths and innuendos about a candidate as well as his/her background and experiences as they relate to the candidate's pursuit of public office;
5. Let my personal opinions be governed by facts, and pledge to be ever mindful of the content, context and overall intent of my statements;
6. Encourage a vigorous defense of the rules of civility in public discourse;
7. Insist on high standards of communication in my community, in my neighborhood, on my street, in my home and at my dinner table;
8. Recognize that the right to free speech does not overshadow the fact that duty to my community and responsibility for my behavior are more important than any tactic or political practice that promotes the candidate(s) I may support;
9. Disavow statements, materials, advertisements or behavior that undermine the integrity of the election process or erode public trust and confidence in the election process; and
10. Vote in every election, either in person or by absentee ballot.

Note: Participation in local government is defined as running for public office, attending meetings of elected officials, voting, volunteer activities, neighborhood events and general citizen involvement. For purposes of this document, it pertains to residents of the City of Winter Park as well as those who work or recreate here.

Name: _____

Address: _____

E-mail: _____

Signature: _____

You have permission to print my name in the *Winter Park-Maitland Observer*. Yes No

Please complete and send to Winter Park Chamber of Commerce via e-mail (wpcc@winterpark.org), fax (407-644-7826), hand delivery or regular mail (151 W. Lyman Avenue, Winter Park, FL 32789).

Prepared and presented by the Winter Park Chamber of Commerce to support a positive campaign and political process and to promote civility between friends, neighbors and colleagues who all want the same thing, the "best" for Winter Park.