

REGULAR MEETING OF THE CITY COMMISSION
February 22, 2016

The meeting of the Winter Park City Commission was called to order by Vice Mayor Sarah Sprinkel, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Minister David Fitzgerald, First Christian Church, followed by the Pledge of Allegiance.

Members present:

Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Member absent:

Mayor Steve Leary

Approval of the agenda

Motion made by Commissioner McMacken to approve the agenda with the tabling of Public Hearing 'f' to March 14 per the applicant's request; seconded by Commissioner Seidel and carried unanimously with a 4-0 vote.

Mayor's Report

- a. Presentation - Painting of historic Kummer-Kilbourne House from Allan Keen, Keewin Real Property Company

Alan and Linda Keen presented an original oil painting of the Kummer-Kilbourne House as part of the 100th birthday celebration to the City. Also present was contractor Hal George and John Cunningham who both worked to restore the home.

- b. Proclamation - "Day of Happiness"

Vice Mayor Sprinkel presented a proclamation to Dr. Chet Evans with the Rollins College Center for Health Innovation to proclaim February 29 as a "Day of Happiness" in recognition of the Happiness Ambassadors Program of the Rollins College Center for Health Innovation and Healthy Central Florida. Dr. Evans thanked the Commission for recognizing their event on February 29.

- c. Proclamation - 2016 General and Referendum Election

Vice Mayor Sprinkel read the 2016 General and Referendum Election proclamation into the record.

City Manager's Report

City Manager Knight spoke about the previous discussion regarding lobbying in Tallahassee and that he and Commissioner Seidel met with the First Amendment Foundation representative who concurred with the City Attorney's interpretation of holding meetings outside of the jurisdiction. They also discussed how they could communicate prior to the meetings without violating the Sunshine Law which will be a topic of discussion at a future meeting when the Mayor is present.

City Manager Knight reported about the Fairbanks Avenue traffic study in preparation with working with MetroPlan to provide additional lanes for the Fairbanks intersection. He will provide the study to the Commission.

City Attorney's Report

Attorney Ardaman reported working with City Manager Knight and Rollins College regarding the purchase contract for the bowling alley property and hoped to have a contract this week.

Attorney Ardaman reported that the use agreement between Orange County Public Schools and the City regarding Showalter Field should be here this week. The agreement will come before the Commission at a later date.

Non-Action Item

a. Financial Report – December 2015

Finance Director Wes Hamil presented the December 2015 financial report and answered questions. No action was taken on this item.

Consent Agenda

- a. Approve the minutes of February 8, 2016.
- b. Approve the following purchase and contracts:
 1. PR159432 to T.V. Diversified Inc. for Lift Station #28 Wet Well & Man Hole Repairs; \$104,373
 2. Amendment 4 to CDM Smith, Inc. – RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Storm Water Management & Design) and authorize the Mayor to execute the renewal.
 3. Amendment 4 to Geosyntec Consultants – RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Storm Water Management & Design).
 4. Amendment 4 to GAI Consultants, Inc. – RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (General Civil & Public Facility Engineering) and authorize the Mayor to execute the renewal.
 5. Amendment 4 to Comprehensive Engineering Services, Inc. – RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services

- (Transportation Planning & Engineering) and authorize the Mayor to execute the renewal.
6. Amendment 1 to The Fishel Company – IFB-8-2014, Underground Utility Services and authorize the Mayor to execute the renewal.
 7. Amendment 1 to Infratech Corporation – IFB-8-2014, Underground Utility Services and authorize the Mayor to execute the renewal.
 8. Amendment 1 to HDD of Florida LLC – IFB-8-2014, Underground Utility Services and authorize the Mayor to execute the renewal.
 9. Amendment 1 to Young’s Communication Co., Inc. – IFB-8-2014, Underground Utility Services and authorize the Mayor to execute the renewal.
 10. Amendment 1 to Electricom LLC and Subsidiary – IFB-8-2014, Underground Utility Services and authorize the Mayor to execute the renewal.
 11. Amendment 1 to Heart Utilities of Jacksonville – IFB-8-2014, Underground Utility Services and authorize the Mayor to execute the renewal.

Motion made by Commissioner Cooper to approve the Consent Agenda; seconded by Commissioner Seidel who did not vote on Items b-2, b-3, b-4 and b-5 due to a conflict of interest. No public comments were made. The motion carried unanimously with a 4-0 vote.

Action Items Requiring Discussion

- a. Funding options for acquisition of property at 1111 W. Fairbanks Avenue (former bowling alley)

City Manager Knight addressed the CRA Agency voting to allocate \$1 million toward the project which leaves \$1.9 million (plus closing costs) to be funded from other sources. Staff recommended using \$394,985 of the Parks Acquisition Funds and \$646,367 of the Parks Impact Fee Funds toward the purchase with the remainder of about \$858,648 plus closing costs to come from reserves. It was clarified that the reserves could be reimbursed from the Parks funds if it is determined later on to purchase the property for parkland.

Commissioner McMacken addressed the option to incorporate the property into the Martin Luther King, Jr. Park and hoped the master plan for the park will direct them which way to go. He wanted to make sure the parks funds would be reimbursed if it is not used for a park.

Commissioner Cooper expressed wanting to initiate action to rezone the property to Parks if both parks funds are going to be used for the purchase; otherwise take the funds out of reserves.

Commissioner Seidel preferred to take the funds from reserves until the use of the property is determined. He expressed concerns with tying up the Parks funds in case other parkland comes forward for purchase until the master park plan is completed.

Motion made by Commissioner Seidel to fund the \$1.9 million out of reserves to purchase the property until we determine what we are going to do with it and if the property becomes a park we will pay back the Parks Acquisition Fund; seconded by Commissioner Sprinkel.

City Manager Knight expressed the importance that the Commission agrees to them closing on the property if this decision is not made between now and the closing. There was a consensus to allow the City Manager to move forward with the closing.

After further comments, **motion made by Commissioner Seidel to table this item; seconded by Commissioner Sprinkel and carried with a 3-1 roll call vote with Commissioner McMacken voting no.**

Public Hearings:

- a. RESOLUTION NO. 2171-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING 118 WEST COMSTOCK AVENUE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES.

Attorney Ardaman read the resolution by title.

Motion made by Commissioner McMacken to adopt the resolution, seconded by Commissioner Seidel. Property owner John Skolfield spoke about wanting to preserve his property. No other public comments were made. **Upon a roll call vote, Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- b. RESOLUTION NO. 2172-16: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, DESIGNATING 1574 SUNSET DRIVE, WINTER PARK, FLORIDA AS A HISTORIC RESOURCE ON THE WINTER PARK REGISTER OF HISTORIC PLACES

Attorney Ardaman read the resolution by title.

Motion made by Commissioner McMacken to adopt the resolution, seconded by Commissioner Cooper. No public comments were made. **Upon a roll call vote, Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- c. AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$21,000,000 ELECTRIC REFUNDING REVENUE BONDS OF THE CITY TO FINANCE THE REFUNDING OF A PORTION OF ITS OUTSTANDING ELECTRIC REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2007 AND PAYING THE COSTS OF ISSUANCE THEREOF; PROVIDING FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM THE ELECTRIC SYSTEM OF THE CITY ON PARITY WITH THE CITY'S OUTSTANDING ELECTRIC REVENUE BONDS; PROVIDING FOR THE SALE OF SUCH BONDS PURSUANT TO A COMPETITIVE PUBLIC SALE OR A NEGOTIATED PUBLIC SALE; AND PROVIDING AN EFFECTIVE DATE. First Reading

Attorney Ardaman read the ordinance by title. Finance Director Wes Hamil explained the intent of the ordinance to refund the 2007 bonds that will save the City about \$100,000 a year in debt service.

Motion made by Commissioner Cooper to accept the ordinance on first reading, seconded by Commissioner Seidel. No public comments were made. **Upon a roll call vote, Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- d. Request of Alfredas Sumanas for the property located at 1240 Fairview Avenue:

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA AMENDING CHAPTER 58, "LAND DEVELOPMENT CODE", ARTICLE I "COMPREHENSIVE PLAN" FUTURE LAND USE MAP SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF OFFICE TO COMMERCIAL DESIGNATION ON THE PROPERTY AT 1240 FAIRVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE OFFICE (O-1) DISTRICT ZONING TO COMMERCIAL (C-3A) DISTRICT ZONING ON THE PROPERTY AT 1240 FAIRVIEW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. First Reading

Attorney Ardaman read both ordinances by title. Planning Manager Jeff Briggs explained the request and the C-3A zoning.

Motion made by Commissioner Cooper to accept the first ordinance on first reading, seconded by Commissioner McMacken. No public comments were made. **Upon a roll call vote, Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

Motion made by Commissioner McMacken to accept the second ordinance on first reading, seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 4-0 vote.**

- e. Request of Winter Park Town Center Ltd: Conditional use approval to demolish and rebuild approximately 25,000 square feet of retail building area within the Winter Park Village Shopping Center at 402 and 490 N. Orlando Avenue, zoned C-1.

Planning Manager Jeff Briggs explained the request to redevelop the southwest corner of Orlando Avenue and Canton Avenue. He reported that they will tear down the existing Chamberlain's Store as well as the small building on the corner and replace it with a REI Sporting Goods Store. He commented that the landscape frontage will be continued all the way to the corner of Canton Avenue.

Commissioner Cooper inquired about the proposed sign. Attorney Becky Wilson, representing the applicant, stated when the Winter Park Village was approved a master signage plan was approved which included the existing Chamberlain's sign which is why they put the REI logo and signage on top of the existing base. She stated it is internally LED lit which is what the more progressive sign codes are moving people to. She stated that the applicant has agreed to the P&Z conditions.

Motion made by Commissioner McMacken to approve the conditional use with the conditions placed on it by the Planning and Zoning Board; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote.

- f. Request of Z Properties: Subdivision or lot split approval to divide the property at 360 Beloit Avenue, zoned R-1A, into two single family building lots

This item was tabled until March 14, 2016.

City Commission Reports:

a. Commissioner Seidel – Reported on attending the Bridging the Color Divide event; reminded residents to educate themselves regarding the library to research the facts on both sides of the issue, and asked for an update regarding the electric undergrounding program and moving forward since we have a new director.

b. Commissioner Sprinkel – Mentioned Susan Gofffried's service last week and 'Be My Neighbor Day' on February 28.

c. Commissioner Cooper – Asked that there be more recognition at the meetings for the residents designating their homes as historic; asked about recognizing the boards this year at a board appreciation; and asked to be more sensitive when producing our videos to show more diversity.

d. Commissioner McMacken – Reported that he attended the groundbreaking of the Rollins College child development center and the Showalter for the Restore the Roar event.

The meeting adjourned at 4:52 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>SEIDEL, Gregory S.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>COMMISSION</i>
MAILING ADDRESS <i>1250 Richmond Road</i> <small>CITY</small> <i>WINTER PARK</i> <small>COUNTY</small> <i>ORANGE</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>FEBRUARY 22, 2016</i>	NAME OF POLITICAL SUBDIVISION: <i>WINTER PARK</i>
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, GREGORY S. SETOEL, hereby disclose that on FEB 22, 20 16:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

CONSENT AGENDA ITEMS

9. b. 2

9. b. 3

9. b. 4

9. b. 5

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

2/22/16
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.