

REGULAR MEETING OF THE CITY COMMISSION
March 14, 2016

The meeting of the Winter Park City Commission was called to order by Mayor Steve Leary, at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. The invocation was provided by Reverend Shawn Garvey, First Congregational Church, followed by the Pledge of Allegiance led by Samira, Michael, Ghazi and Zara Blommel.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

City Manager Randy Knight
City Attorney Kurt Ardaman
Executive Assistant Michelle Bernstein (in
absence of City Clerk)

Approval of the agenda

Motion made by Commissioner McMacken to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 5-0 vote.

Mayor's Report

- a. Business Recognition Award Recipient – Fourth Quarter 2015 – Peterbrooke Chocolatier

Mayor Leary recognized Peterbrooke Chocolatier as the 4th quarter 2015 Business Recognition Award recipient. Planning Director Dori Stone presented them with a plaque and spoke about the support they provide.

- b. Employee Recognition – 5 to 35 years of service

City Manager Knight recognized employees who reached milestone anniversaries of their service to the City.

- c. Proclamation – Bike To Work Month

Mayor Leary presented a proclamation recognizing March 2016 as Bike To Work Month. Butch Margraf thanked Healthy Central Florida and the Pedestrian and Bicycle Board for their support of the event and spoke about other upcoming bicycle events.

City Manager's Report

City Manager Knight announced the Art Festival this weekend. Staff was recognized for the fine work at the Lyman/New York Avenue railroad tracks and for their work with the golf course shapers and architects. Commissioner Cooper asked about the development on Lee Road (condos on the Lake) where there are no fences around the trees being saved. Mr. Knight will follow up.

City Attorney's Report

Attorney Ardaman reported about the Rollins College bowling property contract that will be signed and the Showalter Field agreement that will be worked out tomorrow.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of February 22, 2016.
- b. Approve the following purchase and contracts:
 1. PR159497 to Perma Liner Industries Inc. for the purchase of F10 Trailered Lining System Package; \$125,147.13.
 2. Amendment 4 to Miller Legg, RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Landscape Architectural Services); and authorize the Mayor to execute the renewal.
 3. Amendment 4 to Matern Professional Engineering, RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Green Planning & Engineering Services); and authorize the Mayor to execute the renewal.
 4. Amendment 4 to Kelly, Collins & Gentry, Inc., RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Roadway Design); and authorize the Mayor to execute the renewal.
 5. Amendment 4 to Southeastern Surveying and Mapping, RFQ-2-2012, Continuing Contracts for Professional, Architectural & Engineering Services (Surveying Services); and authorize the Mayor to execute the renewal.

Motion made by Commissioner McMacken to approve the Consent Agenda; seconded by Mayor Leary. Commissioner Seidel recused himself from voting on items b.2, b.4 and b.5 (Form 8B attached) due to a conflict of interest. No public comments were made. The motion carried unanimously with a 5-0 vote (for the remainder of the consent agenda).

Action Items Requiring Discussion

- a. Participation in South Seminole North Orange County Wastewater Transmission Authority (SSNOCWTA) bond issue

City Manager Knight introduced Ed Guilda-Rubio, SSNOCWTA Executive Director. Mr. Knight stated we are a member and that they are asking the City's participation in their bond issue which will take care of their capital plan. Mr. Guilda-Rubio briefed the Commission on the background of SSNOCWTA. Stefano Ceriana of Reiss Engineering provided a PowerPoint presentation regarding the SSNOCWTA Capital Improvement Plan Budget and Direct Loan Plan.

Upon discussion and questions for clarification purposes, **motion made by Commissioner Sprinkel to approve the City of Winter Park participation in the SSNOCWTA bond issue; seconded by Commissioner McMacken.** No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

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

City Manager Knight stated this was previously discussed and is now dealing with the funding sources for the acquisition of the bowling alley property. He clarified that approval has already been granted for \$1 million to be paid out of CRA funds and that this deals with the remaining amount of \$1.9 million plus closing costs. He provided the two funding options: the remainder of the entire amount to come out of the General Fund Reserves; or fund \$394,985 from the Parks Acquisition Funds and \$646,367 from the Parks Impact Fee Funds and the remainder of approximately \$858,648 plus closing costs funded from the General Fund Reserves.

Mayor Leary expressed concerns with using parks funds because of other potential parkland purchases and because we do not know at this time what the use of the property will be. **Motion made by Mayor Leary to take the remaining funds out of General Fund Reserves for now; seconded by Commissioner McMacken for discussion.**

Commissioner Cooper wanted to ensure that this property would be a park if funds were taken out of parks funds. Commissioner McMacken envisioned the property as an addition to MLK Park but expressed the importance to acquire the property without knowing the use at this time. Commissioner Sprinkel agreed with the property becoming a park. Discussion ensued that if they took the funds out of the Parks Impact fees and the property does not become a park that the fund would have to be reimbursed. Commissioner Seidel addressed the master park plan and the visioning process not being completed yet and did not want to tie up parks funds if there were other parkland purchase opportunities so he was comfortable using Reserves at this time.

Nancy Shutts, 2010 Brandywine Drive, agreed with taking the funds out of the General Fund Reserves since there is no plan for the property at this time and then determine what the property will be used for.

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

c. Police Department's 2015-2018 Strategic Plan Update

Police Chief Brett Railey summarized the 2015-2018 Strategic Plan. Beginning on September 3, 2015 Police Department members and the command staff began a review of the current Strategic Plan to better align the plan with current advancements in the policing profession. Over the next six months collaboration with Core Command, Supervisory, Officer, Citizen and Civil Service Members had an opportunity to review and contribute to the Strategic Plan process that will carry the department into the next three years. This update revised the Mission and Vision Statements, added 5 new plan goals and 17 strategies using the President's Report on 21st Century Policing and our current plan as a template. Chief Railey provided their vision statement and their mission statement.

Motion made by Commissioner Sprinkel to accept the strategic plan, seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.

d. Showalter Field renovation and new Use Agreements with Orange County Public Schools and Rollins College

Parks and Recreation Director John Holland provided an update on the status of the Showalter Field agreement. He asked for the following: 1) to approve the funding and operational terms for the installation of synthetic turf and new running track for Showalter Field; 2) to approve the execution of the piggyback contract with FieldTurf (A Tarkett Sports Company) for the engineering and installation of the synthetic turf on Showalter Field; and 3) to move forward with negotiations for a new Use Agreement with the School Board of Orange County, Florida that would terminate the current Lease Agreement.

Mr. Holland summarized the 40 year lease agreement of 1993 for Showalter Field whereby the School Board has managed and maintained the facilities and field in exchange for exclusive use of the property. During the past 23 years the facility has been well used and is currently showing the signs of the heavy use. Local athletics clubs, parenting organizations and foundations have recently come forward offering assistance in bringing the facility back up to the standards of other Orange County High School stadiums. Fundraising for the installation of a synthetic turf playing field has been primary goal of these supporters. In meeting with the School Board representatives it has become clear the responsibility of installation, maintenance and replacement of a synthetic turf field is not within the future planning or budget of the School Board.

The new use agreement will shift the installation costs and maintenance responsibilities of a new synthetic turf playing field, running track and stadium facilities to the City. The new use agreement will provide priority use of the turf field and Showalter East to Winter Park High School in exchange for an annual payment. Rollins College would also participate in the funding of the synthetic turf installation in exchange for secondary scheduling privileges of Showalter field and

Showalter East for practices. The City would have all open schedule times to rent the fields and facilities to other paying teams and organizations.

Mr. Holland concluded that they need to move quickly with this. Mayor Leary addressed the necessity to update this facility and to partner with the other organizations that are within the city limits and to protect this City property for its residents. Commissioner Seidel spoke about the financial worksheet provided and the annual budget. Commissioner Sprinkel commented about the importance that Winter Park High School has priority use of the field and facility. Commissioner Cooper commented that the City over the years has not been able to share in the use of the stadium and that this must be deferred to Winter Park High School. Commissioner McMacken addressed the importance that the City be able to utilize the field as well as the other parties. Attorney Ardaman spoke about their negotiations. The financials and budget was discussed.

Motion made by Mayor Leary to continue the discussions; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.

Public Hearings:

- a. ORDINANCE NO. 3031-16: 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. Second Reading

Attorney Ardaman read the ordinance by title.

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

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

ORDINANCE NO. 3032-16: 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. Second Reading

ORDINANCE NO. 3033-16: 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. Second Reading

Attorney Ardaman read both ordinances by title.

Motion made by Commissioner McMacken to adopt the first ordinance, seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

Motion made by Commissioner McMacken to adopt the second ordinance, seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion carried unanimously with a 5-0 vote.**

- c. 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 public hearing was tabled at the February 22 meeting. Planning Director Dori Stone addressed the lot split request, the zoning, the lot size comparison, and that transpired at the Planning and Zoning Board meeting. Commissioner Sprinkel expressed concerns with this request because of the impact to the cul-de-sac. Ms. Stone spoke about the P&Z motion to create the appearances of front entrances on Beloit Avenue.

Motion made by Commissioner Cooper to deny, seconded by Commissioner McMacken for discussion purposes.

Applicant Zane Williams, 271 N. Pennsylvania Avenue, spoke about their prior approvals from staff and the P&Z, the lot split being wider than currently seeing, and not having their front door facing Beloit Avenue. Commissioner Seidel stated he had conversations with the applicant and property owners and that the setbacks were comparable. Mr. Williams agreed to build a wall for the people directly behind the property before building the house. Mr. Williams answered other questions of the Commission. Commissioner Cooper expressed concerns with changing the character of Beloit Avenue.

Architect Gary Hancock spoke in favor of the design of the home and was available for questions.

Dennis Casey, 443 Beloit Avenue, stated he is not against the lot split but that the homes should face Beloit to keep the current character of the homes on Beloit Avenue.

Donna Colado, 327 Beloit Avenue, spoke in opposition to the request because of non-compliance with our R-1A and R-1AA codes.

Dick Gregor, 380 Waterfall Lane, opposed the request because he believed it was not advertised correctly (there were two zoning code violations and only one was listed in the public notice) and because of zoning concerns.

Carolyn Bird, 361 Beloit Avenue, opposed the request because they will look into the back yards of the homes if allowed to be built like this. She spoke against not abiding by the current zoning codes.

After discussion about the notice requirements, **motion made by Mayor Leary to table this until proper notice is given on both items; seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and McMacken voted yes. The motion to table carried unanimously with a 5-0 vote.**

Upon discussion, a recess was taken from 5:35 to 5:51 p.m. to research the public notice that was provided. After research, the vote remained to table because staff was unable to locate the notice in question.

City Commission Reports:

a. Commissioner Seidel – Asked about the status of Progress Point. City Manager Knight stated we are evaluating options for bringing that forward. He stated we are waiting for a recommendation from the EDAB and P&Z Boards as how what type of entitlements it should have before we go out for bid. He reported that he and Commissioner Sprinkel attended the Base Camp for children with cancer. Asked for an electric update which will be on the next agenda.

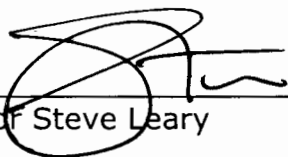
b. Commissioner Sprinkel – Thanked staff for provided the Report Card and asked about electric undergrounding. She spoke about the upcoming events.

c. Commissioner Cooper – Asked everyone to vote tomorrow.

d. Commissioner McMacken – Encouraged people to vote. He spoke about his many years working on boards and the Commission and thanked staff for the last 18 years for their service and generosity that has meant a lot to him.

e. Mayor Leary – Reported about his trip to Tallahassee and meeting with the Secretary of DEP, the Senate President and a representative of the Governor's Office to discuss the 43 acre Howell Branch Preserve we are trying to acquire. He stated we have \$2 million in the budget and has made it to the Governor's desk (as with last year) and hopes it stays in the budget.

The meeting adjourned at 5:58 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 SEIDEL Gregory S	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CITY COMMISSION
MAILING ADDRESS 1250 Richmond ROAD	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
CITY Winter Park	NAME OF POLITICAL SUBDIVISION: CITY of Winter Park
COUNTY Orange	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE
DATE ON WHICH VOTE OCCURRED 3-14-16	

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 Seidel, hereby disclose that on March 14, 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
9b-2, 9b-4, 9b-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.

3-14-16
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.