

REGULAR MEETING OF THE CITY COMMISSION
May 8, 2017

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 Minister Preston Free, First Christian Church, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Carolyn Cooper
Commissioner Pete Weldon

Also present:

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

Approval of the agenda

Motion made by Commissioner Cooper to approve the agenda; seconded by Commissioner Weldon and carried with a 5-0 vote.

Mayor's Report

Mayor Leary announced the inaugural City of Winter Park Amateur Golf Championship this weekend and announced the winners. He received great comments from a gentleman for a job well done by staff.

a. Business Recognition Award Recipient – 1st Quarter 2017 – Frank Pohl, P.A.

Kyle Dudgeon introduced Frank Pohl and summarized their accomplishments. Mayor Leary presented Mr. Pohl with the Business Recognition Award.

b. Board appointments – 2017

Motion made by Mayor Leary to make the following appointments; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Board of Adjustments: Reappointed Patrice Wenz and Cynthia Strollo (2017-2020); moved Lucy Morse from alternate to replace Ann Higbie (2017-2020); Phil Kean replaced John Simpson (2017-2020), and appointed Aimee Hitchner as the alternate.

Code Compliance Board: Reappointed Clay Roesch and Jennifer Frank (2017-2020); Daniel Butts replaced Brian Kracht (2017-2020); and Paul Mandelkern (2016-2019 term) replaced Laura Turner.

CRA Advisory Board: Reappointed Woody Woodall (2017-2020); moved Teri Gagliano from alternate to replace Daniel Butts (2017-2020); Lambrine Macejewski replaced Lance DeCuir (2015-2018).

Construction Board of Adjustment and Appeals Board

Reappointed Eddie Cox and Rodney Kincaid (2017-2020); moved Frank Gay to replace Joe Fisher (2017-2020); moved Joe Fisher as alternate.

Economic Development Advisory Board: Wes Naylor replaced Owen Beitsch (2017-2020); Joel Roberts replaced John Gill (2017-2020); Tara Tedrow replaced Matt Umbers (2016-2019); Peter Muller was appointed as alternate.

Historic Preservation Board: Ed Sabori moved from alternate to replace Genean McKinnon (2017-2020); John Skolfield replaced Phil Kean (2016-2019); Jason Taft was appointed as alternate.

Housing Authority: Mike Hays replaced Shanna Windle (2015-2018).

Keep Winter Park Beautiful & Sustainable Board: Mary Dipboye, Stephen Pategas and Bruce Thomas were reappointed (2017-2020); Natalie Hellmann replaced Bill Heagy (2015-2018); Nora Miller was appointed as alternate.

Lakes and Waterways Board: Jack Goggin replaced James Barnes (2017-2020); Tom Smith replaced Geoff Bedine (2017-2020); Drew Havron replaced Nora Miller (2017-2020).

Parks and Recreation Board: Carl Creasman and Julio DeArcos were reappointed (2017-2020); Brad Doster replaced Janet Atkins (2017-2020); Mike Smalley replaced Marni Spence (2017-2020) (Mr. Smalley declined the appointment after the meeting due to the meeting schedule); Addison Lanpher replaced Gary Diehl (2015-2018); Renee Maloney replaced Jeff Shafer as alternate.

Planning and Zoning Board: Ray Waugh replaced Tom Sacha (2017-2020); Laura Turner replaced Randall Slocum (2017-2020); Laura Walda replaced James Johnston (2017-2020); Owen Beitsch replaced Peter Gottfried (2017-2020); Adam Bert replaced Ray Waugh as alternate.

Public Art Advisory Board: Lauren Branzei moved from alternate to replace Katy Bakker (2015-2018); Catherine Knudsen was appointed as alternate.

Transportation Advisory Board: Jill Hamilton Buss and David Erne were reappointed (2017-2020); Tom McMacken was appointed as alternate.

Utilities Advisory Board: Richard James and Jennifer Lyons were reappointed (2017-2020); Jack Miles replaced Cheryl Forney (2016-2019); Paul Conway replaced Tara Tedrow (2016-2019); Karim Arja replaced David Gevorgyan as alternate.

Fire Pension Board: Trey Merrick (appointed by FD members) and Mike Hlavek were reappointed (2017-2019).

Police Pension Board: Kevin Roesner (WPPD) and Bill Deuchler (Pension Board appointment) were reappointed (2017-2019); James Johnston replaced Wes Naylor (2017-2019).

City Manager's Report

City Manager Knight announced the upcoming Board Appreciation event to be held on June 8 from 5:30-7:30. He addressed the library bond ratings whereby Fitch rated the City AA+ and Moody's rated the City Aa1.

City Attorney's Report

Attorney Ardaman provided an update on the Morgan Bellows lawsuit.

Attorney Ardaman addressed the Villa Tuscany (memory care) matter where they filed a Request for Relief that requires the City's participation. He asked for consideration to get the City in the flow of that process: To appoint the City Manager as the City's representative in the statutory proceeding to give him authority to make recommendations back to the Commission; give him authority to select a Special Magistrate (person who will hear the matter and attempt to resolve the matter between the City and the developer); and to pay for 1/2 of the Magistrate's expense.

Motion made by Mayor Leary to approve the requests of the City Attorney (as stated above); seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote. No public comments were made.

Non-Action Item

No items.

Consent Agenda

- a. Approve the minutes of April 24, 2017.
- b. Approve Contract Amendment No. 2, RFP-7-2013, Tennis Management Services; and approve the revised rate fee schedule.

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner Weldon and carried unanimously with a 5-0 vote. No public comments were made.

Action Items Requiring Discussion

- a. Provide direction on the disposal of 301 W. Comstock Avenue

Planning Director Dori Stone addressed the last meeting where staff did not recognize any action that they needed to take. She provided four options available

for consideration. Staff recommended that they cancel the Notice of Disposal (NOD) and move toward using our broker services with CBRE to go after individuals interested in purchasing the property and offering the most money. She commented that the City Attorney determined that the property was purchased before the CRA was established so the NOD process is not necessary.

Commissioners offered their preferences. Commissioner Sprinkel wanted to add that they meet at least the minimum price of the appraisal. Commissioner Cooper stated she agrees and as a condition to either receive appraised value or an offsetting public benefit/amenity. Commissioner Weldon stated he wanted to sell the property today to the highest price offered to date.

Mayor Leary commented that the appraised value is a suggested value from an appraiser not from the free market so he could not support demanding that they meet the appraised offer. He stated he wanted to see the final and best offer and did not want to negotiate from the dais but to have CBRE get the best final offers from whoever wants to propose an offer for the property to bring back to the Commission to select and award.

Commissioner Seidel provided an alternative to hold onto the property for now because of just completing the visioning process and having land to trade that has value could be useful. He stated they need to develop the MLK Park parkland, the corridor plans and then determine if there is leftover property to dispose of.

Motion made by Commissioner Sprinkel to move this forward to turn the property over to CBRE to solicit buyers and to bring back the best financial offer with the offers to equal or exceed the appraised value before coming back to them (only bring back offers meeting the appraised value) and to reject all offers from the NOD process and begin again (for clarity: will also include the ability to market the parking spaces to the neighbor, creating additional greenspace, and all other aspects of the offer, not just the price will be considered); seconded by Commissioner Cooper.

Motion amended made by Commissioner Cooper to maintain the appraised value but was in agreement if part of that value was represented in the way of greenspace or parking spaces; seconded by Commissioner Seidel. After City Attorney comments, motion was withdrawn.

Attorney Ardaman addressed the two offers already presented that can be thrown out because it is not a competitive bid process, is not a CRA NOD process, and the property is available for the Commission's decision as to what is the best in the public interest. He stated what the Commission has expressed is concern over both offers and the process but their objective is to achieve the City's best interest.

Motion amended by Mayor Leary that all offers must come with a solid dollar price with no flexibility, and will be the best and final price as there will be no negotiating from the dais (once selected staff will have the

opportunity to negotiate specifics of the accepted offer with the approved applicant); seconded by Commissioner Weldon.

Bobby Palta, CBRE, real estate broker stated they received about 20-25 inquiries on the property.

Attorney Brad Luczak, representing Winter Park Redevelopment Agency Ltd., spoke in favor that the Commission accepts their offer.

Attorney Rosemary Hayes, representing Rowland and Company, spoke in favor of accepting their offer and against the offer made by Winter Park Redevelopment Agency.

Motion made by Commissioner Seidel to go back to the original bids (same price per square foot of \$425,000) with the contingency that Mr. Bellows come to the closing with a document that says he is either selling or not selling the spaces to the people/board that owns that property; seconded by Mayor Leary for discussion.

After comments, **Motion amended by Mayor Leary to incorporate Commissioner Seidel's single condition (above) but that the asking price is \$456,000 (Winter Park Redevelopment LTD); seconded by Commissioner Weldon.**

Upon questioning, Attorney Ardaman stated the City's best position is to approve Commissioner Sprinkel's motion.

Upon a roll call vote on the amendment by Mayor Leary (that all offers must come with a solid dollar price with no flexibility, and will be the best and final price as there will be no negotiating from the dais (once selected staff will have the opportunity to negotiate specifics of the accepted offer with the approved applicant), Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.

It was clarified that if Commissioner Sprinkel's motion passes, that the other motion and amendment are null and void. It was also mentioned that this will open the door to allow people to offer the appraised value or above and anything above and beyond regarding a public benefit will be considered and is opened up to anyone that CBRE speaks with. Planning Director Stone stated that sending this to CBRE will provide a contract for sale with no site plan attached so there is no way to determine what the public purpose of that may be until the site plan works through the process. Mayor Leary clarified that the discussions regarding parking spaces are not public purpose but are private purpose. Attorney Ardaman also clarified that anything else is up to the proposers to bring forward in a contract.

Upon a roll call vote on the main motion (to move this forward to turn the property over to CBRE to solicit buyers and to bring back the best financial offer with the offers to equal or exceed the appraised value before coming back to them (only bring back offers meeting the appraised value) and to reject all offers from the NOD process and begin again (for clarity: will also include the ability to market the parking spaces to the neighbor, creating additional greenspace, and all other aspects of the offer, not just the price will be considered); Mayor Leary and Commissioners Sprinkel, Cooper and Weldon voted yes. Commissioner Seidel voted no. The motion carried with a 4-1 vote.

Public Hearings:

- a. ORDINANCE NO. 3077-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING A REVOLVING LINE OF CREDIT IN A PRINCIPAL AMOUNT NOT TO BE OUTSTANDING THEREUNDER AT ANY ONE TIME TO EXCEED \$8,000,000 WITH SUNTRUST BANK OR AN AFFILIATE THEREOF TO FINANCE WORKING CAPITAL NEEDS OF THE CITY'S ELECTRIC UTILITY SYSTEM AND TO PAY THE COSTS OF SUCH LINE OF CREDIT; APPROVING THE FORM OF A COMMERCIAL NOTE AND AGREEMENT TO COMMERCIAL NOTE; DELEGATING TO THE MAYOR OR CITY MANAGER THE AUTHORITY TO EXECUTE AND DELIVER THE COMMERCIAL NOTE, AGREEMENT TO COMMERCIAL NOTE AND ALL OTHER AGREEMENTS RELATED THERETO; PROVIDING OTHER DETAILS WITH RESPECT THERETO; AND PROVIDING AN EFFECTIVE DATE Second Reading

Attorney Ardaman read the ordinance by title.

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

- b. RESOLUTION NO. 2184-17: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AUTHORIZING THE ISSUANCE IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$30,000,000 GENERAL OBLIGATION BONDS, SERIES 2017 FOR THE PURPOSE OF FINANCING THE ACQUISITION AND CONSTRUCTION OF THE WINTER PARK LIBRARY AND EVENTS CENTER AND RELATED IMPROVEMENTS IN THE CITY; PROVIDING THAT SUCH BONDS SHALL BE PAYABLE FROM AD VALOREM TAXATION; PROVIDING FOR THE LEVY OF NECESSARY AD VALOREM TAXES; AUTHORIZING THE AWARDED OF SAID BONDS PURSUANT TO A PUBLIC BID; DELEGATING CERTAIN AUTHORITY FOR THE AWARD OF THE BONDS, AND THE APPROVAL OF THE TERMS AND DETAILS OF SAID BONDS; AUTHORIZING THE PUBLICATION OF A NOTICE OF SALE FOR THE BONDS OR A SUMMARY THEREOF; APPOINTING THE PAYING AGENT AND BOND REGISTRAR FOR SAID BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT WITH RESPECT TO SUCH BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING

DISCLOSURE CERTIFICATE; MAKING CERTAIN OTHER COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE

Attorney Ardaman read the resolution by title. City Manager Knight stated this accommodates what the Commission requested at the last meeting which was they would be doing \$27.5 million now but if an additional amount up to \$30 million is decided upon later, this would allow for that to happen.

Motion made by Commissioner Weldon to adopt the resolution and that the Mayor, City Manager and staff legal have the authority to go forward under this up to \$27.5 million; if there are any bonds to be sold beyond that it has to come back to the City Commission (if it is decided to issue another \$2.5 million or any portion thereof that it comes back to the Commission for approval); seconded by Commissioner Sprinkel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, Cooper and Weldon voted yes. The motion carried unanimously with a 5-0 vote.**

City Commission Reports:

a. Commissioner Seidel - Addressed the need to make the process move forward smoothly regarding parking garages in the downtown. Asked if staff is coordinating with the City of Orlando 'Smart City' regarding pedestrian safety and traffic movement and intelligent transportation.

He asked that the Utilities Advisory Board investigate accelerating the current undergrounding program. There was not a consensus to ask the UAB at this time. Mayor Leary commented if staff and UAB want to do this without direction from the Commission they can do so and whenever this is discussed, they say it takes more funds. Commissioner Sprinkel did not support this because of the same outcome every time concerning funding. Mayor Leary suggested that Commissioner Weldon meet with staff who can bring him up to date on timing and investment. Commissioner Seidel commented that he will set up a meeting with Commissioner Weldon to discuss this. Commissioner Sprinkel spoke against two Commissioners having these meetings.

b. Commissioner Sprinkel - Reported she represented the City at the cancer walk at Lake Lily.

c. Commissioner Cooper - No report.

d. Commissioner Weldon - Reported that he was the kickoff speaker at the 91st annual convention of the Florida Federation of Garden Clubs and that the City of Winter Park is very well respected in the world of garden clubs.

e. Mayor Leary - Thanked Vice Mayor Weldon for stepping in for him at the convention. He spoke about issues at the State level that they are not able to stop

but that the City has money for the Howell Branch Preserve project (that will allow them to also rehab the property as well as the acquisition) that he hoped the Governor passes.

Public comments (items not on the agenda)

Donna Colado, 327 Beloit Avenue, spoke in disagreement about the issue of the sale of the bowling alley property being put on the Consent Agenda at the last meeting.

The meeting adjourned at 4:52 p.m.



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham, MMC