

**REGULAR MEETING OF THE CITY COMMISSION**  
**October 12, 2015**

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 Pastor Ed Garvin, Calvary Assembly of God, followed by the Pledge of Allegiance.

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  
City Clerk Cynthia Bonham

Approval of the agenda

**Motion made by Mayor Leary to approve the agenda with the removal of Mayor's Report Item 'd'; seconded by Commissioner Sprinkel and carried unanimously with a 5-0 vote.**

**Mayor's Report**

Mayor Leary welcomed our new City Attorney Kurt Ardaman. Mayor Leary announced the passing of Fred Leonhardt of the Gray Robinson law firm. Commissioner McMacken addressed the success of the 42<sup>nd</sup> Autumn Art Festival.

a. Recognition - Winter Park 14u Babe Ruth 2015 World Series Bronze Medalist

Mayor Leary recognized the Winter Park 14u Babe Ruth Girls All Star Softball Team who won third place in the 2015 World Series in August in Newberry, Florida. Coach Staudt remarked about the remarkable job the girls did and how hard they worked to achieve this award.

b. Business Recognition Award – Q3 2015 recipient Tuni Trendy & Chic

Planning Director Dori Stone recognized Tuni Trendy & Chic as the Q3 2015 recipient of the Business Recognition Award. Mayor Leary presented Tuni and Paige Blackwelder with the award. Tuni Blackwelder thanked the Commission and spoke about the many years they have been in Winter Park.

c. Proclamation - National Friends of Libraries Week

Mayor Leary proclaimed October 18-24, 2015 as National Friends of Libraries Week. Shawn Shaffer, Executive Director of the Winter Park Public Library, accepted the proclamation. Thad Seymour was present along with Polly Seymour and Marcia Wright who spoke about the many volunteers that support the New Leaf Bookstore and the funds that were raised throughout the last 37 years. The volunteers were present and recognized.

d. Proclamation - World Stroke Day

This proclamation was rescheduled for the October 26 agenda.

e. Proclamation - 2015 Fire Prevention Month

Mayor Leary proclaimed October 2015 as Fire Prevention Month. Several firefighters were present to accept the proclamation. Fire Chief Jim White spoke about the importance of smoke detectors (that recently saved lives at the home of 1216 Golfside Drive) and the open house this week at that home to show everyone what damage a fire can do. He thanked the Mayor for the proclamation.

**City Manager's Report**

City Manager Knight announced that today is the 128<sup>th</sup> anniversary of the City. Mayor Leary asked if there is any information regarding the former director of the Hannibal Square Community Land Trust who was dismissed. City Manager Knight did not have any more information regarding this.

Commissioner Cooper spoke about the previous Commission discussion regarding reimbursement of attorney fees from developers; accessibility of visitors parking in multi-family developments; and clarification on our lot split language and if our codes needed to be changed. These will come before the Commission if staff believes we need to change the code.

**City Attorney's Report**

Attorney Ardaman stated he is glad to be here and is looking forward to serving the City.

**Non-Action Item**

No items.

**Consent Agenda**

- a. Approve the minutes of September 28, 2015.
- b. Approve the following purchases and formal solicitations:
  1. Blanket Purchase Order to Waste Pro of Florida for Residential, Commercial & Construction Solid Waste Collection, RFP-6-2009; \$2,200,000.00. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
  2. Blanket Purchase Order to Air Liquide Industrial Company for Liquid Oxygen for Water Treatment Facilities; \$150,000.
  3. Blanket Purchase Order to Odyssey Manufacture Co. for Sodium Hypochlorite; \$155,000.
  4. Blanket Purchase Order to GATSO USA for Red Light Safety Enforcement; \$403,200.

5. Blanket Purchase Order to Stephen Technology for Trenchless Repair to Sanitary Sewer Main; \$120,000.
6. Blanket Purchase Order to Perma Liner Industry for Trenchless Repair to Sanitary Sewer Main; \$300,000.
7. Blanket Purchase Order to Florida Power & Light Co. for Bulk Power Supply; \$10,500,000.
8. Blanket Purchase Order to Florida Power & Light Co. for Power Transmission; \$800,000.
9. Blanket Purchase Order to Covanta Energy Marketing LLC for Bulk Power Supply; \$4,000,000.
10. Blanket Purchase Order to Duke Energy for Transmission pursuant to Duke Energy Tariff; \$2,100,000.
11. Blanket Purchase order to Gainesville Regional Utilities (GRU) for Bulk Power Supply (ITN-13-2013); \$4,600,000.
12. Blanket Purchase Order to Orlando Utilities Commission for Bulk Power Supply and Power Transmission (ITN-13-2013); \$4,600,000.
13. Blanket Purchase Order to Winter Park Public Library for Annual Organizational Support; \$1,422,472.
14. Avcon, Inc., RFQ-15-2015, Continuing Services Contract for Engineering & Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
15. Comprehensive Engineering Services, Inc., RFQ-15-2015, Continuing Services Contract for Engineering & Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
16. Kelly, Collins, & Gentry, Inc., RFQ-15-2015, Continuing Services Contract for Engineering & Design Services of Florida Department of Transportation (FDOT) Local Agency Program (LAP) projects. **PULLED FROM CONSENT AGENDA FOR DISCUSSION. SEE BELOW.**
17. Authorize staff to enter into negotiations with the top ranked firm, Tyler Technologies, ITN-11-2015, Enterprise Resource Planning (ERP) System Selection.

**Motion made by Commissioner Sprinkel to approve Consent Agenda items a, b-2 to b-13, and b-17; seconded by Mayor Leary and carried unanimously with a 5-0 vote.** No public comments were made.

Consent Agenda item b-1: Commissioner McMacken pulled this item. He wanted to clarify that we are going out to bid. City Manager Knight explained this is a blanket purchase order and if the City changes vendors that this will be voided and a new purchase order for the new company will be brought forward. **Motion made by Commissioner McMacken to approve Consent Agenda item b-1; seconded by Mayor Leary and carried unanimously with a 5-0 vote.** No public comments were made.

Consent Agenda items b-14, b-15 and b-16: Commissioner Seidel pulled these items for discussion. It was determined that he had a conflict of interest and submitted a Form 8B. **Motion made by Mayor Leary to approve Consent Agenda items b-14, b-15 and b-16; seconded by Commissioner McMacken and carried with a 4-0 vote with Commissioner Seidel abstaining.** No public comments were made.

### **Action Items Requiring Discussion**

a. State Legislative Priorities

City Manager Knight explained the state legislative session is earlier this year. He provided a list of staff's recommended state legislative priorities that will be forwarded to our lobbyist for this session once the Commission approves the list.

**Motion made by Commissioner Sprinkel to approve the legislative priority list (and provide to the lobbyist); seconded by Commissioner Cooper and carried unanimously with a 5-0 vote.**

State Representative Mike Miller, 375 Sylvan Drive, stated he will do the best he can for Winter Park.

### **Public Hearings:**

a. Request of Phil Kean Designs, Inc. for the property at 652 West Morse Boulevard:

ORDINANCE NO. 3013-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" SO AS TO CHANGE THE FUTURE LAND USE DESIGNATION OF COMMERCIAL TO CENTRAL BUSINESS DISTRICT FUTURE LAND USE ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3014-15: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING MAP SO AS TO CHANGE FROM OFFICE (O-1) DISTRICT ZONING TO COMMERCIAL (C-2) DISTRICT ZONING ON THE PROPERTY AT 652 WEST MORSE BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE. Second Reading

Conditional use approval to redevelop the property into 11 residential units that are two and three story in height with a total project size of 40,566 square feet.

Attorney Ardaman read both ordinances by title. He explained the redline version of the developer's agreement handed out and outlined the changes made after the packet went out.

Planning Manager Jeff Briggs explained the City park property in the front by Morse Boulevard and the sidewalk going to the back of the Community Center property that is in distressed condition; the developers have agreed to improve that in concert with approval from the Parks Department and have agreed to maintain the plantings and irrigation. He stated they are not in agreement to maintain the colonnade and the patio area up front. He asked if the Commission is interested in pursuing a sale of the back part of the park where the sidewalk goes down to the Community Center understanding that the developer cannot build anything on this property. Upon discussion, this was not pursued. There was discussion regarding the landscaping and that Parks Director Holland will review and approve the landscape plan.

Dan Bellows, 411 W. New England Avenue, stated he originally acquired this land and sold it to the current owners but that the land did not get used the way it was supposed be and that the developer should purchase the land from the City.

Jacob Farmer, 135 N. Knowles Avenue, provided a visual of the property being discussed. He stated they will be working with the Parks Department to approve the landscape plan. It was clarified that the property is only 2 tenths of an acre.

Commissioner McMacken disagreed with turning over this property because if they had greenspace on their property it would have fewer buildings; now they are taking over park space to get greenspace they do not have on their site.

**Motion made by Mayor Leary to adopt the comprehensive plan ordinance; seconded by Commissioner Seidel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

**Motion made by Mayor Leary to adopt the zoning ordinance; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

**Motion made by Mayor Leary to approve the conditional use with the development agreement as modified; seconded by Commissioner Sprinkel. Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel and Cooper voted yes. Commissioner McMacken voted no. The motion carried with a 4-1 vote.**

b. Request of Sydgan Corporation:

ORDINANCE NO. 3015-15: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, VACATING AND ABANDONING THE 5 FOOT UTILITY EASEMENT LOCATED ON BLOCK "G" OF THE HOME ACRES SUBDIVISION AND THE 1999 FLORIDA POWER CORPORATION DISTRIBUTION EASEMENT, MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.  
Second Reading

Attorney Ardaman read the ordinance by title.

**Motion made by Commissioner McMacken to adopt the ordinance; seconded by Commissioner Seidel.** 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. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPORTING THE SCHOOL REZONING PETITION OF THE LAKE BELL NEIGHBORHOOD.

Attorney Ardaman read the resolution by title. City Manager Knight explained the request of the Lake Bell neighborhood north of Lee Road to change to Winter Park schools from the current schools their children are zoned to attend. He provided a revised resolution for consideration that says the Commission supports Winter Park residents being zoned to attend schools located in Winter Park.

Mayor Leary addressed the lack of knowledge as to how the OCPS operates but that he is happy to support that this be given due consideration by the School Board. Commissioner McMacken stated he could support the resolution as amended because it is up to the School Board whether or not to accept their request.

Commissioner Cooper commented about the other Winter Park children not in Winter Park schools and that Orange County has a process in place and is working with the residents to try and fix the Hungerford Elementary School. She stated she wants to make sure the City is not intervening in a process that would put pressure on the other officials having a process they have to follow. Mayor Leary clarified that the City is not asking to rezone this area but is asking for consideration and the City is saying they support the notion that Winter Park residents attend Winter Park schools.

Commissioner Sprinkel spoke about the system in place at the School Board and her understanding that they are going to be undergoing rezoning next year. She could not support this because of the lack of Winter Park schools to be able to accommodate all Winter Park residents and that the City should not be involved in this type of business. Commissioner Seidel stated he could support a more general resolution that does not identify specific neighborhoods but identifies the City of Winter Park in sending our children (especially elementary school children) to Winter Park schools.

Hillary Bressler, 1045 Lake Bell Drive, addressed the 30 elementary school children in their neighborhood zoned to attend Hungerford. She expressed wanting to attend a better school district, their zoning does not make sense, they want to be in a school aligned with sports and other activities, and that they are currently not sending their children to Hungerford but are seeking other venues. She asked that the City support and help them with their request.

Attorney Ardaman spoke about the complicated process that he was not sure the City would want to be involved in.

**Motion made by Mayor Leary to adopt the amended resolution; seconded by Commissioner McMacken. Upon a roll call vote, Mayor Leary and Commissioner McMacken voted yes. Commissioners Seidel, Sprinkel, and Cooper voted no. The motion failed with a 3-2 vote.**

Mayor Leary stated if the City can assist the residents without a resolution that the City will help in any way they can. Commissioner Seidel stated he would be happy to discuss this with the residents to see what can be done.

**City Commission Reports:**

a. Commissioner Seidel – Spoke about the passing of his neighbor Becky Perez, a member of the First United Methodist Church, who passed away from a long battle with breast cancer.

b. Commissioner Sprinkel – Spoke about the previous discussion regarding the Lake Bell resolution and that this is a great time to deal with this because they are in the process of redrawing the lines. She suggested that the residents work with the School Board. She stated she was sorry she could not do more.

Commissioner Sprinkel mentioned the Hannibal Square event that she attended.

Commissioner Sprinkel addressed the upcoming library events. Library Executive Director Shawn Shaffer stated they received a grant from the Edith Bush Charitable Trust who is funding some projects for them with a group called Library Strategies and that they will be meeting with their consultants to discuss the projects. She stated that they partnered with the Killarney School who needs help and their support with a reading night. She mentioned other events sponsored by the library.

c. Commissioner Cooper – Thanked the Lake Bell residents for coming tonight and hoped they understand the concerns the Commission has with interfering with someone else's process but that she does support their efforts. She reminded everyone about the final version of the historic preservation ordinance going to the Historic Preservation Board on October 14. She mentioned the Tri County League of Cities lunch in Oviedo on October 15 and other events taking place at the Dr. Phillips Center and the League of Women Voters money and politics symposium.

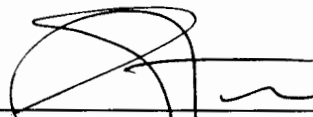
d. Commissioner McMacken – Spoke about his Coffee Talk and the group that attended to include a police officer who answered questions regarding recent burglaries.

e. Mayor Leary – Spoke about the upcoming community forum sponsored by the Ministerial Alliance who wanted to discuss complications happening around the nation between police and the community and to discuss how to interact with police when approached.

Public Comments (items not on the agenda – 5:00)

There were no public comments made.

The meeting adjourned at 5:01 p.m.

  
\_\_\_\_\_  
Mayor Steve Leary

ATTEST:

  
\_\_\_\_\_  
City Clerk Cynthia S. Bonham, MMC





**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. SEIDER, hereby disclose that on OCTOBER 12, 20 15:

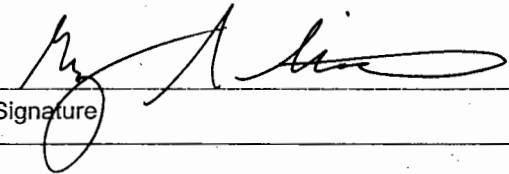
(a) A measure came or will come before my agency which (check one)

- 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 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:

9.b.14  
9.b.15  
CONSENT ABONDA

10/12/15  
Date Filed

  
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.

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>SEIDEL, GREGORY STEPHEN</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>CITY OF WINTER PARK, COMMISSION</b>
MAILING ADDRESS <b>1250 RICHMOND ROAD ORANGE</b>	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 COUNTY <b>WINTER PARK</b>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <b>10/12/2015</b>	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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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 otherwise may participate 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 other side)

**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. SEIDOR, hereby disclose that on OCTOBER 12, 20 15:

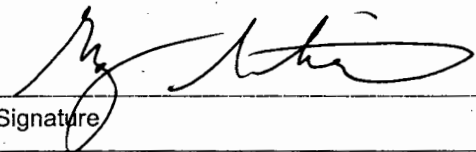
(a) A measure came or will come before my agency which (check one)

- 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 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:

9616  
CONSENT AGENDA

10/12/15  
Date Filed

  
Signature

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