

REGULAR MEETING OF THE CITY COMMISSION
December 16, 2010

The meeting of the Winter Park City Commission was called to order by Mayor Kenneth Bradley at 5:32 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida.

Members present:

Mayor Kenneth Bradley
Commissioner Phil Anderson
Commissioner Beth Dillaha
Commissioner Tom McMacken
Commissioner Carolyn Cooper

Also present:

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

Mayor Bradley explained that this is a continuation of the regular meeting held on December 13, 2010. He said they did the prudent thing Monday evening by requesting to continue the meeting a few days later to allow the bank to seek further information and to ensure that as they expend the City's money that they do it with the utmost of care, stewardship and appropriate legal support. He commended our counsels for pausing before taking action.

Consent Agenda

J. Approve the following purchases and contracts:

2. PR 145835 to Software House International, Inc. for annual Microsoft enterprise software support; \$60,299.00

Mayor Bradley indicated that the Commission approved this on December 13, 2010 therefore he believes he is authorized to sign the contract. He asked Attorney Brown to provide legal counsel if the prior approval applies to both purchases and contracts. Attorney Brown said the purchase order and contract was authorized. Mr. Knight indicated that they put it on this agenda because staff failed to include the contract in the agenda backup. He noted that nothing has changed in the contract since the last meeting.

Public Hearings

- d. RESOLUTION NO. 2071-10: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, SUPPLEMENTING ORDINANCE NO. 2830-10 OF THE CITY WHICH AUTHORIZED THE REFUNDING OF ALL OUTSTANDING WATER AND SEWER REVENUE BONDS, SERIES 2004, OF THE CITY, AND THE ACQUISITION AND/OR CONSTRUCTION OF ADDITIONS, EXTENSIONS AND IMPROVEMENTS TO THE WATER AND SEWER SYSTEM OF THE CITY, AND PROVIDED FOR THE ISSUANCE OF NOT EXCEEDING \$17,000,000 WATER AND SEWER REFUNDING AND IMPROVEMENT REVENUE BONDS, SERIES 2010, OF THE CITY TO BE APPLIED TO FINANCE THE COST THEREOF, AND PROVIDED FOR THE PAYMENT OF SUCH BONDS FROM THE NET REVENUES DERIVED FROM SUCH SYSTEM; BY MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH AND AUTHORIZING A NEGOTIATED SALE OF SUCH BONDS, SUBJECT TO CERTAIN CONDITIONS; AND PROVIDING AN EFFECTIVE DATE.

City Manager Knight provided a brief summary of what transpired at the December 13, 2010, Commission meeting whereby the commission was concerned about the lack of the ability to call the 20 year bank loan. They were directed to go back and work with J.P. Morgan Chase bank to see if they can get a loan with a 10 year call at a rate of 4.1% or less. He said they

were able to do that and J.P. Morgan Chase came back with a 10 year par call and a 4.08% interest rate fixed for the term. He explained the resolution was revised to include the language about the par call after 10 years, along with a few schedules that a couple of the commissioners requested that show the comparisons of the J.P. Morgan Chase loan to a bond issue with Tuesday's rates. A bond deal would have to be done after December 31 and would not be bank qualified. The true interest cost on the bond deal would be 4.88% as compared to the J.P. Morgan Chase bank loan commitment of 4.08%. He said at the 4.08% rate they would be saving approximately 1.9 million dollars over the life of the bonds.

Motion made by Commissioner Anderson to adopt the resolution and approve the borrowing at a not to exceed interest rate of 4.08% with a 10 year par call; seconded by Mayor Bradley.

Commissioner McMacken asked if there is any advantage of doing nothing. Mr. Knight explained that we are currently paying less than .5% and we would save about \$480,000 if it stayed at .5% for the remainder of the next year, but we would be locking in at a rate that is going to cost us about \$480,000 more than the variable rate that we are currently paying. He explained the risk we are taking in doing this that we do not know when the rates are going back up but it is a very valid option if we believe that interest rates will remain this low for the next 12 months or longer. He stated we will not be able to refinance with bank qualified bonds next year so that would force us into an automatic 30 basis point swing on that alone and because we have other refinancing to do next year it will throw us over the \$30 million if they carry forward.

He added that we will definitely be over the \$10 million if they do not carry over the \$30 million bank qualified regulations and that is what drives up the costs but it does not look like that will happen. Mayor Bradley said from this point forward it would be helpful for the Commission to have a complete listing of all of the bonds we have in key areas and the accumulative interest rate or weighted average of the debt we are paying and the debt ratios. He asked Mr. Knight to provide this information and he acknowledged.

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

City Commission Reports

a) Commissioner Anderson

No items to address.

b) Commissioner Dillaha

Commissioner Dillaha spoke about the quarterly newsletter update. She suggested that she and Commissioner Anderson have a column in the newsletter as a thank you and farewell to the citizens. Commissioner Anderson said he would love the opportunity to do that. Mayor Bradley suggested that it go through the normal editing process as with all of their comments and it is appropriate. Communications Director Clarissa Howard said she will email the Commissioners the limitation of wording and space allowed.

Commissioner Dillaha spoke briefly about the shooting incident at a school board meeting this past week in the Florida Panhandle and shared her concerns regarding security measures at the City. Mayor Bradley recommended that the City Manager and Police Chief perform an analysis of our security.

Commissioner Dillaha then spoke about time management for staff and the transparency issue and thinks it is good practice that appointments be made with staff and to possibly have a log or sign in sheet indicating who they are meeting with and the subject because it will allow for better efficiency with staff time. It was agreed to have Mr. Knight bring back a recommendation regarding security and transparency/efficiency.

1. Conditional use approval process

Commissioner Dillaha spoke about the current conditional use two step process with the preliminary and final approval and that they need to clearly define what is required for each. She said it is a confusing process and asked for more clarity. She wanted to see if the Commission agreed and if they would be interested in instructing Planning and Zoning to do a little more work on the best practice. Each Commissioner shared their opinion and concerns. There was a consensus to have P&Z, staff and the City Attorney look at what we currently have and come back with recommendations for possible improvement with the goal of clarity and that any recommendations go through the P&Z process. Mr. Briggs noted that it should take approximately 60 days or by the end of February.

2. Update Resolution 1978, Rules of Decorum and Conduct of Meetings

Commissioner Dillaha spoke about the current Rules for Decorum and that the current resolution only addresses the conduct of the audience/public and does not cover decorum amongst the Commission. She submitted several recommendations to possibly add to the existing resolution and asked for feedback. Mayor Bradley asked if they could schedule this for a work session since he believes there are some issues that may be contrary to our Charter and unintended consequences that may come from this. There was a consensus for this to be scheduled for a work session.

c) Commissioner Cooper

Commissioner Cooper referenced the fiscal impact on the agenda items and asked Mr. Knight if they could include the prior year actual for the type of service or supply. She gave an example instead of indicating "no fiscal impact" that they could say "this is how much we spent last year on this type of activity and this is what we have budgeted this year" because she feels it will help them in their decision making process.

She then addressed the Winter Park Towers parking garage discussion and said currently they do not have any codes that address design elements of parking garages. She suggested having both P&Z and staff work on this item. There was a consensus for this to occur. She then spoke about the Winter Park Towers discussion regarding St. John's River Water Management District (SJRWMD). She asked if they should require the applicant to have a pre-meeting with SJRWMD before City approval. Mr. Knight indicated that staff briefly discussed this issue and he does not think we should implement that requirement. He indicated that it should be up to the applicant and that option is available to them.

Commissioner Cooper then addressed the need for sign off from each staff member for accountability relative to their portion for reviewing plans when something arises from the Commission. Mr. Knight indicated that there is a Development Review Committee (DRC) approval process. He explained that some of the things she is asking for are part of the permitting process and that the applicant has to meet all our codes when they file for a permit and that it goes through every department for review and approval or denial. She said she would like to see the process become clearer and have a summary sheet with sign off's included in the agenda packet. Attorney Brown indicated that Palm Coast has a department sign off protocol but it would not happen at the conditional use permitting phase; however, it would apply for a final approval of building plans at a permit phase.

d) Commissioner McMacken

No items to address.

e) Mayor Bradley

Mayor Bradley summarized for Commissioner Cooper their brief discussion at the last meeting regarding what constitutes a good meeting since she was not present for that item.

Mayor Bradley said in their last work session he thought there was a consensus to have the Economic Development staff look at potential incentives for new businesses, retention or other strategies and wanted to confirm. There was a consensus to have staff move forward with this.

1. Transportation plan work session

Mayor Bradley suggested they schedule this item for a work session in January so they can have a discussion prior to placing it on the agenda. There was consensus.

2. Constrained roads in Central Florida

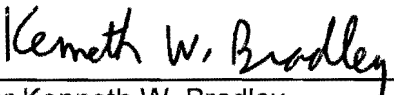
Mayor Bradley noted that there are 18 roadways that are considered to be constrained roads in the tri-county area and two of those roads are in Winter Park, 17/92 and the Fairbanks corridor. There was a consensus to discuss this in a January work session.

3. 90 Day plan for the 1st quarter 2011

Mayor Bradley suggested they talk about scheduling the 90 day plan when they have their first meeting in January and asked Mr. Knight to continue to keep adding his own items.

Mayor Bradley wished everyone a safe and peaceful holiday season and a good new year.

The meeting adjourned at 6:24 p.m.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham