

(B)

**Notice of Meeting of the City Council with Closed Executive Session
City of Avon Park, Florida**

At the regularly scheduled meeting of the City Council of Avon Park, Florida, held at 6:00 P.M., Monday, January 25, 2016 there shall be an executive session closed to the public as requested by the City Attorney for the City Attorney and outside counsel to seek advice of the City Council regarding discussion negotiation of collective bargaining agreement between the City and the IAFF Local 3132.

The City Council shall conduct the executive session closed to the public as provided by statutory exemption to Florida's Government in the Sunshine Act. The closed session shall follow the opening of the regular meeting in the agenda, and shall be attended only by Mayor Sharon Schuler, Councilmembers Terry Heston, Brenda Giles, Dora Smith and Parke Sutherland, as well as City Manager Julian Deleon, City Attorney Gerald Buhr, and outside legal counsel Brian Koji. A verbatim transcript of the closed session proceedings will be produced by a court reporter.

Interested persons can appear and be heard at the regular meeting before and after the closed session. If any person decides to appeal any decision made by the City Council with respect to any matter discussed in the regular meeting, that person will need a record of the proceedings for such purposes, and may need to ensure that a verbatim record of the regular meeting proceedings is made, which record includes testimony and evidence upon which the appeal is based, pursuant to Florida Statute 286.0105. Verbatim transcripts of council meetings are not furnished by the City; however, the verbatim transcript of the closed session shall be available at the conclusion of the negotiations described above. Any person with a disability requiring reasonable special accommodations in order to participate in this meeting should contact the City Clerk with the request at 863-452-4411.

B

**INSTRUCTIONS FOR MAYOR
CLOSED MEETING OF THE CITY COUNCIL
January 25, 2016**

1. Closed Executive Session Announced by Mayor as placed in the agenda.

Mayor: *"The City Council is now going to commence an executive session also called a shade session, closed to the public, to **OPEN DISCUSSION NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE IAFF LOCAL 3132***

- a. *In attendance will be only myself, and Council members Parke Sutherland, Terry Heston and Brenda Giles and Dora Smith as well as City Manager Julian Deleon, City Attorney Gerald Buhr, and outside legal counsel Brian Koji. We estimate that this session shall last forty-five minutes, and the Council and other attendees of the shade session will move into another room, while the court reporter commences to record that session."*
- b. All discussion by Council must now cease to ensure that no discussion is held between the time the regular recording of the meeting is ceased and when the court reporter commences.

(The Council and other attendees leave the room, the Clerk stops all recording of meeting and the court reporter provides a verbatim record of the shade session)

2. CLOSED EXECUTIVE SESSION:

- a. Attorney reads explanation of closed session, and restrictions of meeting: confidentiality requirement; and introduces outside counsel for discussion of need for advice from the Council.

Discussion commences, **RESTRICTED ONLY TO DISCUSSION NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE IAFF LOCAL 3132**

- b. *No votes or other "decisions" are allowed whether by vote or otherwise, however, individuals may voice their opinions on advice to the attorneys in the manner of a workshop.*
 - c. Once the Mayor determines that all discussion is complete, all further discussion ceases The Mayor states "This executive session is closed." The court reporter records the time of cessation.
 - d. Once the session attendees return to the main meeting room, cessation of executive session is announced outside to allow all who have left the room to re-enter meeting room. No further discussion of city business by Council members should be conducted at this time as all wait for public to return, and the city clerk commences taped recording of meeting upon re-entry.
 - e. Once all the public have re-entered: MAYOR: "The Closed Executive Session has been terminated, and the open meeting is now recommenced."
 - f. Court reporter now records the time of the recommencement of the regular meeting, and terminates verbatim record upon the clerk's initiation of the recorded record.
3. Open discussion of the negotiations may continue without disclosure of confidential closed session discussion. Any motions directed at negotiations are now appropriate.
 4. Regular meeting agenda items continue.

(B)

**INSTRUCTIONS FOR MAYOR
CLOSED MEETING OF THE CITY COUNCIL
January 25, 2016**

1. Closed Executive Session Announced by Mayor as placed in the agenda.

Mayor: "The City Council is now going to commence an executive session also called a shade session, closed to the public, to OPEN DISCUSSION NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE IAFF LOCAL 3132

- a. *In attendance will be only myself, and Council members Parke Sutherland, Terry Heston and Brenda Giles and Dora Smith as well as City Manager Julian Deleon, City Attorney Gerald Buhr, and outside legal counsel Brian Koji. We estimate that this session shall last forty-five minutes, and the Council and other attendees of the shade session will move into another room, while the court reporter commences to record that session."*
- b. All discussion by Council must now cease to ensure that no discussion is held between the time the regular recording of the meeting is ceased and when the court reporter commences.

(The Council and other attendees leave the room, the Clerk stops all recording of meeting and the court reporter provides a verbatim record of the shade session)

2. CLOSED EXECUTIVE SESSION:

- a. Attorney reads explanation of closed session, and restrictions of meeting; confidentiality requirement; and introduces outside counsel for discussion of need for advice from the Council.

Discussion commences, **RESTRICTED ONLY TO DISCUSSION NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE IAFF LOCAL 3132**

- b. *No votes or other "decisions" are allowed whether by vote or otherwise, however, individuals may voice their opinions on advice to the attorneys in the manner of a workshop.*
 - c. Once the Mayor determines that all discussion is complete, all further discussion ceases The Mayor states "This executive session is closed." The court reporter records the time of cessation.
 - d. Once the session attendees return to the main meeting room, cessation of executive session is announced outside to allow all who have left the room to re-enter meeting room. No further discussion of city business by Council members should be conducted at this time as all wait for public to return, and the city clerk commences taped recording of meeting upon re-entry.
 - e. Once all the public have re-entered: MAYOR: "The Closed Executive Session has been terminated, and the open meeting is now recommenced."
 - f. Court reporter now records the time of the recommencement of the regular meeting, and terminates verbatim record upon the clerk's initiation of the recorded record.
3. Open discussion of the negotiations may continue without disclosure of confidential closed session discussion. Any motions directed at negotiations are now appropriate.
 4. Regular meeting agenda items continue.

(B)

CITY ATTORNEY'S EXPLANATION OF CLOSED EXECUTIVE SESSIONS OF CITY COMMISSIONS

Prior to the State amending the Government in the Sunshine Act, no attorney-client exception to that act existed to allow attorneys to privately advise a city commission regarding litigation issues as exists for the private sector. With the amendment, however, the exception for closed sessions is allowed, but only *very* narrowly, and only as precisely described in the statute. In this meeting, special counsel and I have asked for this shade meeting to seek your advice about **DISCUSSION NEGOTIATION OF COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE IAFF LOCAL 3132**. You may speak freely regarding those matters, however, **NO OTHER TOPICS MAY BE DISCUSSED.**

Closed "executive sessions" or "shade meetings" of city commissions are allowed so long as they strictly adhere to the Government in the Sunshine Act. The attached Agenda was developed to provide a form of precise, structured procedure to ensure that statutorily-required procedures are followed in the strictest sense possible. Failure to follow this procedure might be considered a violation of the Government in the Sunshine Act, and immediate release of the court reporter's transcript of the meeting. Assume that there are no exceptions to what is written below unless you discuss it with me and I so direct.

As you are aware, **I cannot control what you say or do in the meeting, or outside of it. Nevertheless, some important things to remember are:**

1. **Whatever you say during the closed session is only *temporarily* confidential. The transcript *will* be made available to the public once the case is concluded.**
2. **No vote or "decisive action" action can be taken in the closed meeting; only discussion. Nothing prevents you, however, from taking decisive action in the *open* meeting which precedes and follows the closed session, even if that decisive action is based on what you have heard in the closed session. But be careful not to disclose *what was discussed in the closed session* as part of your motion or discussion of the motion in the *open* meeting.**
3. **What is discussed in the closed meeting is confidential, and you should not disclose the discussion to *anyone* until the conclusion of the case when the transcript is open to the public. To intentionally do otherwise could be deemed an ethics violation or a basis for recall.**
4. **It is important that you notify the City Attorney as far in advance of the closed session as possible if you are sure that you will not be able to attend. Names of attendees must be published in a prior newspaper notice of the meeting, and that notice needs to be reasonably accurate. Unavoidable post-notice illness or absence will not be violations of the Sunshine Act.**

INSTRUCTIONS TO COURT REPORTER

1. **Record time of commencement of closed session when announced by Mayor.** The meeting shall start with a regular “open” meeting, and you need not record this open meeting. Start recording when Mayor announces commencement of the closed “executive” or “shade” session and states the estimated length of time for such session, including any side discussion by Council. **But also record the time when discussion commences in the closed session after everyone but the participants have left.**

2. **Record names of all persons remaining in room after it is cleared.** If any person leaves the room for whatever reason, record the name, the time of leaving and return.

3. **Record all discussion including names of the person providing such discussion.** If voice volume, noise or cross-talk makes this difficult, immediately announce this to City Attorney so that the problem can be rectified. No part of the meeting shall be “off the record.”

4. Continue recording until the regular “open” meeting is reopened, and the Mayor announces the termination of the closed session - **record the time of termination of the session, however, continue recording the meeting until you are informed by the Clerk that the meeting recorder has been turned back on. Record the time once again.**

5. Although they are also public records, please include as exhibits to the transcript, the following documents you should receive from the City Clerk:
 - a. Exhibit A – Public Notice of Meeting which includes closed session.
 - b. Exhibit B – Agenda of Meeting which includes closed session.
 - c. Exhibit C – Instructions for Mayor.
 - d. Exhibit D - Explanation of a closed “executive” session.
 - e. Exhibit E – Instructions for Court Reporter (this document).
 - f. Exhibit F – Instructions for Clerk.
 - g. Exhibit G – The page of the minutes of the previous meeting where the City Attorney requested the closed session.

6. **The transcript is HEREBY requested by the City**, so transcribe it as you normally would if immediately requested (not expedited). Send the transcript to the clerk sealed in an envelope which is inside of another shipping envelope. The inside sealed envelope should be marked in bold letters: **CONFIDENTIAL TRANSCRIPT OF CLOSED SESSION OF CITY COUNCIL JANUARY 25, 2016. THIS ENVELOPE MUST NOT BE OPENED UNTIL THE CITY OF AVON PARK AND IAFF LOCAL 3132**

B

**NEGOTIATIONS IS CONCLUDED AS PROVIDED BY THE SUNSHINE ACT.
On that date, this envelope shall be opened and the transcript shall be included as part of the official minutes of that meeting.**

7. As always, you must not disclose to any person any discussion held in the confidential closed session until the case is concluded. No person is authorized to request the transcript or tape(s) except the City Attorney until the case is concluded, and you must keep all tapes, and transcriptions other than the one sent to the City, in a confidential file at your office so that it cannot be reviewed or inadvertently provided to unauthorized persons.

(B)

INSTRUCTIONS TO THE CITY CLERK

1. Publish the notice of the meeting (provided by City Attorney) with a closed session in the locations where you post notices of meetings. Publication of the agenda of the regular meeting including the item titled "Closed Executive Session" is *also* published or posted in its normal manner.
2. Distribute to the Councilmembers the Explanation of the Closed Session and the Instructions to the Mayor, and send the court reporter the Instructions to the Court Reporter.
3. When the closed session is announced, remain in the room until all the shade session attendees are escorted from the room, then terminate the normal recording equipment of the meeting.
4. Upon the session attendees reentering the room, immediately start the normal recording equipment again, and notify the court reporter that we are back on the recorder.
5. Provide the court reporter the following documents (which are public records available at request):
 - a. Exhibit A – Public Notice of Meeting which includes closed session.
 - b. Exhibit B – Agenda of Meeting which includes closed session.
 - c. Exhibit C – Instructions for Mayor.
 - d. Exhibit D - Explanation of closed session.
 - e. Exhibit E – Instructions for Court Reporter.
 - f. Exhibit F – Instructions for Clerk (this document).
 - g. Exhibit G – The page of the minutes of the previous meeting where the City Attorney requested the closed session.
6. You should receive a package including the confidential court reporter's transcript in the mail within a *reasonable time after the meeting*. If you do not receive it within 2 weeks, contact the court reporter. Attach the *still-sealed* envelope containing the transcript to the original minutes of the meeting as part of those minutes. **The envelope must remain sealed until such time as the CITY OF AVON PARK AND IAFF LOCAL 3132 NEGOTIATIONS is concluded. Once the negotiations are concluded, you MUST** open the envelope, and attach the transcript to the minutes as part of the public record. If you are unsure as to when the conclusion of the case officially occurs, contact the City Attorney or if not available, the City's special Counsel for that case.

(B)

CITY COUNCIL REGULAR MEETING MINUTES
Council Chambers – 123 E. Pine St., Avon Park, FL
January 11, 2016 6:00 PM

Members Present: Mayor Sharon Schuler, Deputy Mayor Brenda Giles Councilman Parke Sutherland Councilman Terry Heston, Councilperson Dora Smith.

Members Absent: None

Others Present: City Manager Julian Deleon, Administrative Services Director/City Clerk Maria Sutherland, Attorney Gerald T. Buhr, Members of Press and Audience.

Mayor Sharon Schuler called the meeting to order at 6:05 P.M. The invocation was given and the Pledge of Allegiance was recited. The roll was called and a quorum was present

CITIZENS/OUTSIDE AGENCIES

Main Street road closure request/Blueberry Festival 4/23/16 7am to 4pm.

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to approve Road Closure request for the Rotary Blueberry Festival as presented. Motion passed unanimously.

CONSENT AGENDA

Approve Regular Meeting Minutes, December 14, 2015.

Re-appointment of Arnold Davis to Southside CRA Adv. Board.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Terry Heston to approve Consent Agenda as presented by City Manager Julian DeLeon. Motion passed unanimously.

COMMITTEE REPORTS/ATTY UPDATES/ANNOUNCEMENTS/PRESENTATIONS

City Attorney Gerald Buhr announced an Executive Meeting at the January 25, 2016 Council Meeting Re: Negotiations between the City and IAFF Local 3132.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Terry Heston to approve having a Executive Meeting at the January 25, 2016 Council Meeting. Motion passed unanimously.

ADMINISTRATIVE:

Ordinance 01-16: Annex 24 Parcels.

First Reading:

City Attorney Gerald Buhr read Ordinance 01-16 into the record.

Motion made by Councilman Terry Heston, seconded by Deputy Mayor Brenda Giles to Approve first reading of Ordinance 01-16, as presented. Motion passed unanimously.

Authorize Mayor's Signature for FDOT Supplemental JPA#3 to increase \$5,508.00 for airport fuel sump.

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to approve JPA #3 increase FDOT participation with \$5,508.00 as presented. Motion passed unanimously.

Approve Piggyback Park and Playground Equipment purchase with Manatee Schools.

Motion made by Councilman Parke Sutherland, Seconded by Deputy Mayor Brenda Giles to Approve to piggyback the Manatee County Schools bid with Playmore, Inc for playground equipment for City parks. Motion carried unanimously.

Ordinance 02-16 Amending Fire Chapter 50

First Reading:

City Attorney Gerald Buhr read Ordinance 02-16 into the record.

Motion made by Council Parke Sutherland, Seconded by Councilman Terry Heston to approve First Reading of Ordinance 02-16 as presented by City Attorney Gerald Buhr, with the exception of a correction on the 5th line up from bottom of heading referencing a typo error from “Amending Section 5-78...” to read “Amending Section 05-78...” Motion passed unanimously.

Ordinance 03-16 Amending Law Enforcement Chapter 54.

First Reading

City Attorney Gerald Buhr read Ordinance 03-16 into the record.

Motion made by Deputy Mayor Brenda Giles, Seconded by Councilman Parke Sutherland to approve First Reading of Ordinance 03-16 as presented. Motion passed unanimously.

Review and Approval of final payment for 45 acres land acquisition.

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to authorize Mayor Sharon Schuler, and City Manager Julian DeLeon to sign the addendum to the contract for the sale. Motion passed unanimously.

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to approve Mayor Sharon Schuler’s execution of Signature to approve purchase price, sale date, and all issues concerning purchase. Motion passed 4 to 1 with mayor abstaining.

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to allow Deputy Mayor Brenda Giles to sign and execute needed signatures for purchase of property. Motion passed 4 to 1 with Mayor Sharon Schuler abstaining.

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to approve FDOT Joint Participation Agreement (JPA) FM #438846-1-94-01 for the purchase of a fueling truck for the airport. Motion passed unanimously.

Resolution 16-01 for Airport Fuel Truck

Motion made by Councilman Parke Sutherland, Seconded by Councilman Terry Heston to authorize Mayor Sharon Schuler to execute Resolution 16-01. Motion passed unanimously.

CITIZENS PARTICIPATION:

Meeting adjourned at 6:35 PM