

(b) The City of Oviedo has complied with all requirements and procedures of Florida law in processing and noticing this Resolution.

(c) The City Council of the City of Oviedo will consider all pertinent matters and engage in all applicable processes and procedures prior to making any conclusive determination relating to the obtaining of any loan by the City and the City Council shall consider to provide for the management of the City's finances in a prudent and effective manner to ensure that the public service needs and requirements of the citizens are met in a cost effective manner.

**SECTION 2. Approval of Promissory Note.** The City Council approves the Promissory Note provided in Exhibit 1 in an amount not to exceed \$300,000 at 2.71% interest for the purpose of providing a contingency to the Center Lake Park Project at Oviedo On The Park and authorizes the Mayor to execute said Note.

**SECTION 3. Implementing Administrative Actions.** The City Manager is hereby delegated authority to implement the provisions of this Resolution in a plenary manner as deemed appropriate and advantageous to the City.

**SECTION 4. Savings.** The prior actions of the City of Oviedo relating to the management of the City's finances, its actions relating to financings and loans, the selection of a financial advisor and other related personnel, and matters pertaining thereto, are hereby ratified and affirmed.

**SECTION 5. Conflicts.** All Resolutions or parts of Resolutions in conflict with any of the provisions of the Resolution are hereby repealed.

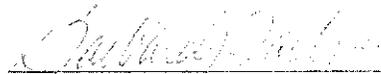
**SECTION 6. Severability.** If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

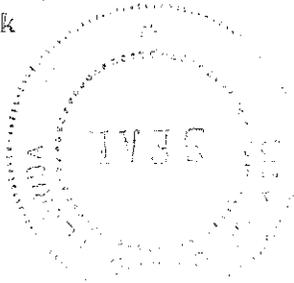
**SECTION 7. Effective Date.** The provisions of this Resolution shall take effect immediately upon its passage

PASSED AND ADOPTED this 5th day of May, 2014.

  
\_\_\_\_\_  
DOMINIC PERSAMPIERE  
MAYOR of the City of Oviedo, Florida

ATTEST:

  
\_\_\_\_\_  
Barbara J. Barbour  
City Clerk



RESOLUTION NO. 2830-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, TO APPROVE A GENERAL FUND PROMISSORY NOTE NOT TO EXCEED \$300,000; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ADMINISTRATIVE ACTIONS; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Oviedo General Fund has a need for issuing a Promissory Note to establish an adequate project contingency for completion of Center Lake Park at Oviedo On The Park; and

WHEREAS, the purpose of the contingency is to fund those unanticipated costs known to arise from time to time in a project of this type and magnitude; and

WHEREAS, it is prudent to provide for and set aside funding for said unanticipated costs; and

WHEREAS, the Water & Sewer Utility's Renewal & Replacement Fund has adequate capital to provide the necessary funding; and

WHEREAS, it is the desire of the City Council to complete Center Lake Park in one phase; and

WHEREAS, the City has discussed the Promissory Note with its Financial Advisor First Southwest; and

WHEREAS, First Southwest has reviewed the Note and provided a market rate of interest; and

WHEREAS, the Note provides for a potential ten (10) year payback period at a market rate of 2.71%; and

WHEREAS, the City's Bond Counsel, Bryant Miller and Olive has provided a letter of opinion regarding this matter; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA:

SECTION 1. Legislative Findings and Intent.

(a) The City Council hereby adopts and incorporates into this Resolution the City staff report and City Council agenda memorandum relating to the subject proposed fiscal activities and the review and analysis of potential actions by the City Council.

**UTILITY DEPARTMENT PROMISSORY NOTE RELATING TO THE OVIEDO ON THE PARK PROJECT**

\$300,000 OVIEDO, FLORIDA  
May 5, 2014

For value received, The City of Oviedo General Fund (herein referred to as the "Debtor") promises to pay to the order of The City of Oviedo Utility Department (herein referred to as the "Creditor") the principal sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00) plus interest thereon at the rate of two and seventy one hundredths percent (2.71%) per annum, accruing from and after the date hereof, payable upon the terms and conditions stated in this promissory note (herein referred to as the "Promissory Note").

The Debtor shall pay the Creditor all principal and interest beginning May 1, 2015 in equal installments of \$30,000 plus accrued interest over a period of ten years with the final payment to be made May 1, 2024. The purpose of the funds derived from the loan relate to the completion of the Debtor's funding of improvements relating to the Oviedo On The Park public improvements and related facilities. The loan herein implemented, benefits the public and fulfills a public purpose.

In the event any payment required pursuant to this Promissory Note is not received by the Creditor within fifteen (15) days after it is due, the Debtor shall be charged with a default rate of interest of five percent (5%), which shall be in addition to any other interest otherwise due, until such default is corrected. This Promissory Note is not secured.

Except as otherwise expressly provided in this Promissory Note, the Debtor hereby waives presentment, notice, demand for payment and protest with regard to this Promissory Note. This Promissory Note shall be governed by and construed in accordance with the laws of the State of Florida in all respects including, but not limited to, matters of construction, validity and performance; shall inure to the benefit of the Creditor, and to the Creditor's heirs, executors, administrators and assigns and to any other holder who derives from the Creditor title to or an interest in this Promissory Note; and shall be binding upon the Debtor and upon the Debtor's heirs, executors, administrators and assigns.

**IN WITNESS WHEREOF**, the Debtor has executed this Promissory Note effective as of the date first set forth above.

**ATTEST:**

**DEBTOR:**

\_\_\_\_\_  
**BARBARA J. BARBOUR**  
CITY CLERK

\_\_\_\_\_  
**DOMINIC PERSAMPIERE**  
MAYOR of the City of Oviedo, Florida

**SECTION 4. Authorization to Execute Amended Promissory Note.** The City Council authorizes the Mayor to execute said Amended Promissory Note provided in Exhibit 1.

**SECTION 5. Approval of Budget Amendment.** The City Council hereby approves the Budget Amendment provided in Exhibit 2 and the use of fund balance from the Water & Sewer Utility's Renewal and Replacement Fund.

**SECTION 6. Savings.** The prior actions of the City of Oviedo relating to the management of the City's finances, its actions relating to financings and loans, and matters pertaining thereto, are hereby ratified and affirmed.

**SECTION 7. Conflicts.** All Resolutions or parts of Resolutions in conflict with any of the provisions of the Resolution are hereby repealed.

**SECTION 8. Severability.** If any provision of this Resolution shall be held or deemed to be or shall, in fact, be illegal, inoperative or unenforceable in any context, the same shall not affect any other provision herein or render any other provision (or such provision in any other context) invalid, inoperative or unenforceable to any extent whatever.

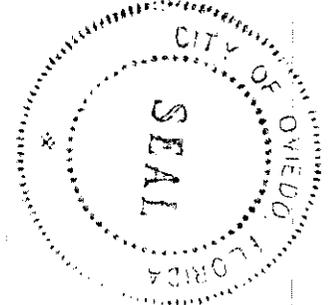
**SECTION 9. Effective Date.** The provisions of this Resolution shall take effect immediately upon its passage

**PASSED AND ADOPTED** this 18th day of August, 2014.

  
\_\_\_\_\_  
**DOMINIC PERSAMPIERE**  
MAYOR of the City of Oviedo, Florida

ATTEST:

  
\_\_\_\_\_  
**Barbara J. Barbour**  
City Clerk



for the management of the City's finances in a prudent and effective manner to ensure that the public service needs and requirements of the citizens are met in a cost effective manner.

**SECTION 2.** Amendment of Utility Department Promissory Note Relating to Oviedo On The Park Project. The Utility Department Promissory Note relating to Oviedo on the Park is amended to read as follows (additions to the original text are shown in underline, and deletions are shown in ~~strike-through~~).

**UTILITY DEPARTMENT PROMISSORY NOTE ~~OVIEDO~~ RELATING TO THE  
OVIEDO ON THE PARK PROJECT**

\$300,000 OVIEDO, FLORIDA

May 5 ~~October 1~~, 2014

For value received, The City of Oviedo General Fund (herein referred to as the "Debtor") promises to pay to the order of The City of Oviedo Utility Department (herein referred to as the "Creditor") the principal sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00) plus interest thereon at the rate of two and seventy one hundredths ~~four~~ percent (2.71%) per annum, accruing from and after the date hereof, payable upon the terms and conditions stated in this promissory note (herein referred to as the "Promissory Note").

The Debtor shall pay the Creditor all principal and interest beginning ~~October~~ May 1, 2015 in equal installments of \$30,000 plus accrued interest over a period of ten years with the final payment to be made ~~October~~ May 1, 2024~~5~~. The purpose of the funds derived from the loan relate to the completion of the Debtor's funding of improvements relating to the Oviedo On The Park public improvements and related facilities. The loan herein implemented, benefits the public and fulfills a public purpose.

In the event any payment required pursuant to this Promissory Note is not received by the Creditor within fifteen (15) days after it is due, the Debtor shall be charged with a default rate of interest of five percent (5%), which shall be in addition to any other interest otherwise due, until such default is corrected. This Promissory Note is not secured.

Except as otherwise expressly provided in this Promissory Note, the Debtor hereby waives presentment, notice, demand for payment and protest with regard to this Promissory Note. This Promissory Note shall be governed by and construed in accordance with the laws of the State of Florida in all respects including, but not limited to, matters of construction, validity and performance; shall inure to the benefit of the Creditor, and to the Creditor's heirs, executors, administrators and assigns and to any other holder who derives from the Creditor title to or an interest in this Promissory Note; and shall be binding upon the Debtor and upon the Debtor's heirs, executors, administrators and assigns.

**SECTION 3.** Approval of Amended Promissory Note. The City Council approves the Amended Promissory Note provided in Exhibit 1 in an amount not to exceed \$300,000 at 2.71% interest for the purpose of providing a contingency to the Center Lake Park Project at Oviedo On The Park.

**RESOLUTION NO. 2878-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AMENDING A GENERAL FUND PROMISSORY NOTE NOT TO EXCEED \$300,000; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; AUTHORIZING THE MAYOR TO EXECUTE AN AMENDED PROMISSORY NOTE; APPROVING A BUDGET AMENDMENT; PROVIDING FOR A SAVINGS PROVISION; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Oviedo General Fund has a need for issuing a Promissory Note to establish an adequate project contingency for completion of Center Lake Park at Oviedo On The Park; and

**WHEREAS**, the purpose of the contingency is to fund those unanticipated costs known to arise from time to time in a project of this type and magnitude; and

**WHEREAS**, it is prudent to provide for and set aside funding for said unanticipated costs; and

**WHEREAS**, the Note provides for a potential ten (10) year payback period at a market rate of 2.71%; and

**WHEREAS**, it is important to correct certain scrivener's errors subsequently found in the Promissory Note; and

**WHEREAS**, a budget amendment is necessary in order to set aside the funding for the contingency reserved for Center Lake Park using fund balance within the Water & Sewer Utility's Renewal and Replacement fund.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA:**

**SECTION 1. Legislative Findings and Intent.**

(a) The City Council hereby adopts and incorporates into this Resolution the City staff report and City Council agenda memorandum relating to the subject proposed fiscal activities and the review and analysis of potential actions by the City Council.

(b) The City of Oviedo has complied with all requirements and procedures of Florida law in processing and noticing this Resolution.

(c) The City Council of the City of Oviedo will consider all pertinent matters and engage in all applicable processes and procedures prior to making any conclusive determination relating to the obtaining of any loan by the City and the City Council shall consider to provide

Note. This Promissory Note shall be governed by and construed in accordance with the laws of the State of Florida in all respects including, but not limited to, matters of construction, validity and performance; shall inure to the benefit of the Creditor, and to the Creditor's heirs, executors, administrators and assigns and to any other holder who derives from the Creditor title to or an interest in this Promissory Note; and shall be binding upon the Debtor and upon the Debtor's heirs, executors, administrators and assigns.

**Budget Impact:** The Budget Amendment provided in Exhibit 2 of Resolution No. 2878-14 reflects the reduction of \$300,000 from the Water & Sewer Utility's Renewal & Replacement Fund. The use the Water & Sewer Utility's Renewal & Replacement Fund was approved by the City Council on May 5, 2014, with the adoption of Resolution No. 2830-14 (See Attachment). The \$300,000 has been reserved for Contingency use and will be dispersed among various capital funds according to the need of Center Lake Park construction services.

**Strategic Impact:** Continue high levels of customer service, productivity, and efficiency, while maintaining fiscal and organizational health.

**Recommendation:** It is recommended that City Council adopt Resolution No 2878-14.

Attachment: Resolution No. 2830-14 Promissory Note not to Exceed \$300,000 for Center Lake Park

Prepared by: Jerry Boop, Finance Director

Reviewed by: Robin R. Hayes, Management Services Director

**AGENDA  
MEMORANDUM**

<b>TO:</b>	Honorable Mayor and City Council Members
<b>FROM:</b>	Bryan Cobb, City Manager
<b>DATE:</b>	<b>August 18, 2014</b>
<b>SUBJECT:</b>	<b>Resolution No. 2878-14, Amending Utility Department Promissory Note.</b>

**Introduction:** This is a request for the City Council to amend the effective date of the Utility Department Promissory Note and Paragraph one (1) to correct various scrivener's errors.

**Discussion:** City Council adopted Resolution No. 2830-14 on May 5, 2014, authorizing the issuance of a Promissory Note in an amount not to exceed \$300,000 to create a contingency fund related to the building and construction of Center Lake Park. During execution of the Promissory Note, certain scrivener's errors were identified. Resolution No. 2787-14 corrects the identified scrivener's errors as explained below. Additions are shown in underline, and deletions are shown in strike-through.

**UTILITY DEPARTMENT PROMISSORY NOTE ~~OVIEDO~~ RELATING TO THE  
OVIEDO ON THE PARK PROJECT**

\$300,000 OVIEDO, FLORIDA  
May 5~~October 1~~, 2014

For value received, The City of Oviedo General Fund (herein referred to as the "Debtor") promises to pay to the order of The City of Oviedo Utility Department (herein referred to as the "Creditor") the principal sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00) plus interest thereon at the rate of two and seventy one hundredths ~~four~~ percent (2.71%) per annum, accruing from and after the date hereof, payable upon the terms and conditions stated in this promissory note (herein referred to as the "Promissory Note").

The Debtor shall pay the Creditor all principal and interest beginning ~~October~~ May 1, 2015 in equal installments of \$30,000 plus accrued interest over a period of ten years with the final payment to be made ~~October~~ May 1, 20245. The purpose of the funds derived from the loan relate to the completion of the Debtor's funding of improvements relating to the Oviedo On The Park public improvements and related facilities. The loan herein implemented, benefits the public and fulfills a public purpose.

In the event any payment required pursuant to this Promissory Note is not received by the Creditor within fifteen (15) days after it is due, the Debtor shall be charged with a default rate of interest of five percent (5%), which shall be in addition to any other interest otherwise due, until such default is corrected. This Promissory Note is not secured.

Except as otherwise expressly provided in this Promissory Note, the Debtor hereby waives presentment, notice, demand for payment and protest with regard to this Promissory

**Exhibit 2**

**CITY OF OVIEDO  
BUDGET TRANSFER/AMENDMENT DETAIL FORM**

For Accounting use:

Fiscal Year: \_\_\_\_\_ Accounting Approval: \_\_\_\_\_  
 Period: \_\_\_\_\_ Entered By: \_\_\_\_\_  
 Transaction Date: \_\_\_\_\_ Group Number: \_\_\_\_\_

**Department/Division** Public Works - Renewal and Replacement Division

**Dept. Authorization** Public Works

Account Number	Fund / Account Description	Increase	Decrease
406-0000-389.90-00 ✓	Prior Year Budgetary Fund Balance	\$ 300,000	
406-9000-581.91-72 ✓	Transfers/General Facility Improvement	\$ 300,000	
330-0000-384.54-00 ✓	Interfund Transfers/Water/Wastewater R&R	\$ 300,000	
330-7200-572.63-99 ✓	Improve Other than Bldg/General Contret	\$ 300,000	

**Count**

-----Must Balance-----  
(Do not use cents)

**Notes / Comments**

Promissory Note for Center Lake Park construction - Contingency Funding.

<b>Approved By:</b> Check Appropriate Box	City Council: Exceeds \$35,000	Informational Note Only: Programs/Capital not budgeted must be presented to Council	Resolution #2878-14
	City Manager: Less than \$35,000		Approval Date: August 18, 2014
	Mgt Srve Director: Internal Signature: _____	[Date Signed: _____]	BA # - <b>2014-093</b>

OK DW 8/25/14

*Robert R. Hayes 8/25/14*