



# CITY OF WINTER GARDEN

---

## CITY COMMISSION REGULAR MEETING MINUTES

April 12, 2018

**REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

**Present:** Mayor John Rees and Commissioners

Lisa Bennett – District 1

Bob Buchanan – District 2

Mark A. Maciel – District 3

Colin Sharman – District 4

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimage, Assistant City Manager of Administrative Services Frank Gilbert, Assistant City Manager of Public Services Jon Williams, Community Development Director Stephen Pash, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Police Chief George Brennan, Information Technology Director Chad Morrill, City Engineer Jim Monahan and Director of Operations Public Services Richard Fasano

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Buchanan to approve regular meeting minutes of March 22, 2018 as submitted. Seconded by Commissioner Bennett and carried unanimously 5-0.**

### 2. **OATH OF OFFICE – NEW POLICE OFFICERS**

A. Police Chief Brennan introduced and administered the oath of office to Officers Jonathan Woodcox and Heriberto Rivera. Mayor Rees and the City Commission welcomed the new officers.

### 3. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 18-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.625 ± ACRES LOCATED AT 227 SOUTH MAIN STREET ON THE NORTHEAST CORNER OF EAST MAPLE STREET AND SOUTH MAIN STREET FROM CITY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-17 by title only. Community Development Director Pash stated that this is a request to rezone property located at 227 S. Main Street from R-2 to RNC. The property is for sale and was previously used as a Montessori school. The new owner would like to open an office at this location which requires a special exception. It is consistent with the existing future land use designation and staff recommends approval of Ordinance 18-17.

Commissioner Bennett informed the City Commission that she would abstain from this vote as her company has this property up for sale.

There was discussion on a construction company's office being the type of business that would locate here, keeping the existing building. Mayor Rees voiced concerns that a construction company business could generate a certain type of traffic. There was discussion that construction vehicles would not be allowed in this location and a special exception would provide for those certain stipulations.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Maciel to approve Ordinance 18-17 with the second reading and public hearing being scheduled for April 26, 2018. Seconded by Commissioner Sharman and carried 4-0-1; Commissioner Bennett abstained.**

- B. **Ordinance 18-19:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 4.00 +/- ACRES OF LAND LOCATED GENERALLY LOCATED AT 2001 AVALON ROAD ON THE SOUTHWEST CORNER OF MANN ROAD AND AVALON ROAD, FROM PUD (PLANNED UNIT DEVELOPMENT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR CERTAIN PCD REQUIREMENTS AND DESCRIBING THE DEVELOPMENT AS THE ALEXANDER RIDGE COMMERCIAL CENTER PCD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-19 by title only. Community Development Director Pash stated that this is a request to rezone property located at 2001 Avalon Road to PCD. This property is part of the Alexander Ridge PUD and was labelled as a future commercial tract and also has a commercial future land use designation. The PUD required that at the development stage there would be a need to apply for a PCD and establish its own regulation. He described some of the proposed improvements to the property. Mr. Pash noted that there were community meetings with the surrounding neighborhood that mostly addressed access issues. Staff recommends approval of Ordinance 18-19.

Mayor Rees confirmed that traffic issues had been resolved with the neighbors. He asked about the other concern regarding the hours of operation for the businesses. Mr. Pash confirmed that it too has been addressed and resolved.

Commissioner Sharman mentioned attending two community meetings. He commended staff and shared that the neighbors were open and had valid concerns, but the developer worked with them. There was discussion on the HOA board's concerns being met also.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Sharman to approve Ordinance 18-19 with the second reading and public hearing being scheduled for April 26, 2018. Seconded by Commissioner Maciel and carried 5-0.**

4. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 18-04:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 17-47, THE CITY OF WINTER GARDEN FISCAL YEAR 2017-2018 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-04 by title and an excerpt from Section 1: That the sum of \$28,428,329 to be appropriated as follows:

<b>REVENUES</b>	
General Fund	\$ 5,808,542
Community Redevelopment Agency Fund	360,000
Law Enforcement Trust Fund	13,729
Local Option Gas Tax Fund	1,683,810
General Fund Police Impact Fee Fund	6,320
Transportation Impact Fee Fund	1,581,121
Utilities Operating Fund	8,466,560
Utilities Impact Fee Fund	5,453,429
Utilities Renewal & Replacement	4,861,992
Trailer City Fund	192,826
	<u>\$28,428,329</u>

City Attorney Ardaman stated that the expenditures are of equal amount to the identically itemized revenues.

Finance Director Zielonka stated that this is the second reading to amend the City's current year budget to carry forward prior year projects. She addressed questions asked by Mayor Rees at the last meeting regarding stormwater capture and the reuse project. She informed that percentages were not available due to direct and indirect usage, but the project itself will allow the City to withdraw ground water through the year 2035. City Manager Bollhoefer noted that there is difficulty in this type of measurement and surmised it would be the magnitude of how much rain would fall over a certain period of time.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

**Motion by Commissioner Bennett to adopt Ordinance 18-04. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

5. **REGULAR BUSINESS**

A. Recommendation to approve Site Plan for 670 Garden Commerce Parkway, subject to conditions

Community Development Director Pash stated that this is the site plan review for property located at 670 Garden Commerce Parkway. The applicant is requesting approval to build an approximately 8,500 square foot warehouse and building. The site plan has been reviewed by the Development Review Committee and staff recommends approval.

**Motion by Commissioner Sharman to approve the site plan for 670 Garden Commerce Parkway, subject to conditions. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

B. Recommendation to approve proposal from Connected Workplace Solutions to upgrade Cisco Phone System for \$102,605.02

Information Technology Director Morrill stated that the proposal is for upgrading the licensing, software and hardware for the City's current internal Cisco telephone system. The proposal is from Connected Workplace Solutions (CWPS) who would perform all three upgrades at a cost of \$102,605.02. He shared that CWPS has been in business for a number of years and are reputable in the industry. He indicated that the project has been accounted for in this year's budget and staff recommends approval.

Commissioner Sharman asked how long the current phone system had been in use. Mr. Morrill replied that it has been at least since 2008 when the building was built. There was discussion on the current system's lack of available support on some of its components. Also discussed was the replacement of phones being an option but the software would be the limiting factor. It was noted that this new system should be good through the year 2022.

Mayor Rees inquired as to whether the consultation charges were fixed. Mr. Morrill responded yes it is a fixed fee. Mayor Rees surmised that the City would spend the \$25,000 whether the 100 hours were used or not. Mr. Morrill affirmed that this is true.

**Motion by Commissioner Sharman to approve the proposal from Connected Workplace Solutions to upgrade the Cisco phone system for \$102,605.02. Seconded by Commissioner Maciel and carried unanimously 5-0.**

C. Recommendation to approve bid and award contract for Tremaine Street Bricking (*Boyd Street to Main Street*) to T. D. Thomson Construction Company for \$71,714.50, which includes a ten percent contingency

Assistant City Manager for Public Services Williams stated that this item is to approve the bid and award the contract for Tremaine Street bricking from Boyd Street to Main Street. He informed that the improvements provide for waterlines to the Railroad Museum. He stated that based on the contractors prior knowledge of improvements and the fact that they are the City's push button contractor, staff recommends the Tremaine Street bricking contract be approved to allow T. D. Thomson Construction Company to

complete the project for a not to exceed cost of \$71,714.50 which is the original bid price, plus a ten percent contingency.

Mayor Rees inquired as to the project's start and completion. Mr. Williams responded that there has not been a pre-construction meeting as of yet, but staff would coordinate the construction activities with the development of the project.

**Motion by Commissioner Buchanan to approve the bid and award contract for Tremaine Street Bricking (*Boyd Street to Main Street*) to T. D. Thomson Construction Company for \$71,714.50, which includes a ten percent contingency. Seconded by Commissioner Bennett and carried unanimously 5-0.**

D. Recommendation to approve Tetra Tech proposal for Professional Engineering and Construction Administration Services for the Western Storage and Pumping Facility for \$133,225.33

Assistant City Manager for Public Services Williams stated that this agenda item is for Professional Engineering and Construction Administration Services for the Western Storage and Pumping Facility. He described the new facility's location and certain elements of the project. The project is currently budgeted and estimated to cost approximately \$7.3 million. Staff recommends approval of the project in the amount of \$133,225.33.

There was discussion on this system and the future for the City at its buildout stage. City Manager Bollhoefer recognized City Engineer Art Miller to address those concerns. Mr. Miller stated that the 2 million gallon tank for this project is in addition to the 2 million gallon tank the City already has on Daniels Road and the tank on Fullers Cross Road. Mr. Miller noted that it is protected with the City's master plan for what is needed for all the development on Marsh Road. He noted that this would be why the City needs the additional connection to conserve.

Commissioner Buchanan asked if the City purchased this property. Mr. Miller replied that he believes it was gifted to the City; City Ardaman confirmed that it was a contribution from the Boyd and McKinnon firm.

**Motion by Commissioner Buchanan to approve Tetra Tech proposal for Professional Engineering and Construction Administration Services for the Western Storage and Pumping Facility for \$133,225.33. Seconded by Commissioner Sharman and carried unanimously 5-0.**

E. Recommendation to approve Change Order #5 for L7 Construction to furnish & install third disk filter at Crest Avenue Wastewater Treatment Plant (WWTP) for a total project amount of \$1,510,604.00

Assistant City Manager for Public Services Williams stated that the Change Order is to the L7 Construction contract providing for a third disk filter at Crest Avenue Wastewater Treatment Plant (WWTP). The third filter will accommodate increase future flows as a result of growth. He noted that L7 Construction recently completed the installation of the

two new filters and is currently mobilized on the stormwater harvesting project. He shared that receding now will allow for the City to avoid additional costs associated with engineering services, permitting, and construction that would be incurred if the projects were done separately. Staff recommends approval of the change order to L7 Construction contract for the third disk filter in an amount not to exceed \$324,800, for a total project amount of \$1,510,604.

There was discussion on the cost savings, useful life, maintenance and interchangeability of the filters over a period of time.

**Motion by Commissioner Sharman to approve Change Order #5 for L7 Construction to furnish & install a third disk filter at Crest Avenue Wastewater Treatment Plant (WWTP) for a total project amount of \$1,510,604.00. Seconded by Commissioner Maciel and carried unanimously 5-0.**

- F. Recommendation to approve bid and award contract for the Stoneybrook West Parkway/Roberson Road/Windermere Road Roundabout project to Atlantic Civil Constructors Corporation with a bid of \$2,174,542.59, to include a ten percent contingency for a total project amount of \$2,391,996.85

City Manager Bollhoefer noted that staff would recommend postponement of this item until the next meeting but he wanted to give a status update. He described staff's efforts in trying to reduce the cost of this project leading to alternatives, such as a traffic light, which would actually add cost. He shared that an expert's review found roundabouts to be safer and actually do slow down traffic and after reviewing all alternatives, staff still believes the roundabout is the best way to go. He expressed that staff felt it would be best to have the City Commission review this information and a recommendation would be provided at the next meeting.

Mr. Bollhoefer remarked that this is a complicated project and once it commences, completion could take approximately 9 months and possibly 12 months if there were difficulties. There will be a lot of pipe work, and traffic management will be difficult at such a busy intersection.

Commissioner Maciel shared how this was not just the county's issues, but that of the residents also and how staff has worked with them extensively to come to agreement on a roundabout.

Mayor Rees noted that there is not a lot of choice as he compared the traffic light cost to the roundabout.

There was also discussion on securing the right-of-way acquisition. Also discussed was whether or not to wait until the next meeting for a decision.

**Motion by Commissioner Sharman to approve bids and award contract for the Stoneybrook West Parkway/Roberson Road/Windermere Road Roundabout project to Atlantic Civil Constructors Corporation with a bid of \$2,174,542.59, to include a**

**ten percent contingency for a total project amount of \$2,91,996.85. Seconded by Commissioner Buchanan.**

Mayor Rees expressed that this has been ongoing and sooner or later the City Commission will need to make a decision.

**Motion carried unanimously 5-0.**

G. Recommendation to approve Seventh Amendment to Agreement for Emergency Ambulance Transportation Services with American Medical Response (AMR)

City Manager Bollhoefer stated that staff is confident this will be the last amendment and informed that it is identical to all the other agreements. The key factor being it is for a year and the City has the ability to pull out of this agreement at any time with 90 days' notice, accommodating the City when switching over to its own ambulance service. Staff recommends approval. Mayor Rees inquired as to when for the switch over. Mr. Bollhoefer responded that staff is now going through the process of hiring firefighters, purchasing ambulances and believes the soonest would be six months.

**Motion by Commissioner Sharman to approve Seventh Amendment to Agreement for Emergency Ambulance Transportation Services with American Medical Response (AMR). Seconded by Commissioner Maciel and carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC** - There were none.

7. **MATTERS FROM CITY ATTORNEY** - There were none.

8. **MATTERS FROM CITY MANAGER**

• Wine Walk Event for Garden Community Choir

City Manager Bollhoefer announced the Wine Walk for the Garden Community Choir on April 19, 2018 from 4:00 p.m. to 10:00 p.m. The set-up at the Pavilion is the same as each year and drinking of wine would be confined to a restricted area. Staff recommends approval.

**Motion by Commissioner Maciel to approve the annual Wine Walk for the Garden Community Choir with consumption of wine in a restricted area. Seconded by Commissioner Sharman and carried unanimously 5-0.**

• Florida Hospital Action Plan

City Manager Bollhoefer indicated that he distributed an action plan from Florida Hospital regarding the helicopter issue. He noted the real issue has not been Florida Hospital helicopters but those from competing hospitals; which has been much more difficult to control. Staff believes this plan is very good for addressing this issue.

• East Winter Garden Plan

City Manager Bollhoefer indicated that he distributed an East Winter Garden Plan designed by Dover Kohl & Partners for the City Commission to review.

Commissioner Sharman noted its similarity to the Master Plan the City shares with the City of Ocoee and wondered if this was only for the City of Winter Garden phase. Mr. Bollhoefer agreed there were some similarities but indicated it is completely independent from the plan with Ocoee. He likened it to a Community Redevelopment Agency (CRA) plan which established in a broad way allows for flexibility and reduced limitations.

- Groundbreaking for New Apartment and Retail Building  
City Manager Bollhoefer announced the groundbreaking for the new apartment and retail building tomorrow at 9:00 a.m.

A. Discuss buying property adjacent to Newton Park and property adjacent to Church of Christ

City Manager Bollhoefer requested discussion on moving forward with purchasing property for the City's Parks and Recreation Program. He displayed and described information on the property which is three pieces that separate Newton Park from Bradford Park. He shared that in past communications with the owner of the property, if selling the property became an option it would be offered to the City first. By purchasing the properties, the City would be able to combine Bradford Park and Newton Park and have one long park along Lake Apopka. This would give the City an opportunity to have one of the nicest showplace parks along Lake Apopka. The property was appraised at \$1.5 million and the owner is asking \$1.6 million; which is still believed to be a fair price. Mr. Bollhoefer requested permission to move forward in finalizing the appropriate documents to be brought back to the City Commission for approval. He noted that funding would come from Parks and Recreation impact fees. This land would be revenue producing at approximately \$65,000 which would go back into the Parks and Recreation program.

**Motion by Commissioner Sharman to authorize the City Manager and staff move forward with negotiating a contract for purchase of property adjacent to Newton Park. Seconded by Commissioner Bennett and carried unanimously 5-0.**

City Manager Bollhoefer stated that the second piece of property is also for the Parks and Recreation program. He expressed that there is a high demand and need for soccer fields. He described the location of the property as being adjacent to the Church of Christ on Daniels Road and CR 535. He displayed an example of the number of soccer fields for which it could be used. He advised that the property is comparable at \$1.6 million which is fair in comparison to other properties in the area. He requested permission to negotiate the details of purchasing this property and also bring it back to the City Commission for consideration. There was discussion that only eight and a half to nine are useable acres although it is ten acres in total.

**Motion by Commissioner Buchanan to authorize the City Manager and staff to move forward with negotiating a contract for purchase of property adjacent to the Church of Christ. Seconded by Commissioner Sharman.**

City Manager Bollhoefer noted that although the City would not have the impact fees from Recreation as of now for this purchase, it would borrow funds from impact fees, where there are sufficient funds and then pay it back as impact fees from Recreation are received. A conservative estimate of Recreation impact fee funds the City would receive by its build out would be approximately \$3.5 to \$4 million, which is sufficient to pay for these fields. Mayor Rees asked about the timeframe and Mr. Bollhoefer responded that he feels it would be over the next five years and ten years at the maximum.

**Motion carried unanimously 5-0.**

- Parks and Recreation Master Plan

City Manager Bollhoefer addressed a plan for the entire City's Parks and Recreation Program for the City's build out. A bond and referendum would be requested of voters to approve a quarter of a millage to pay for the bond. He stated that it would be approximately \$20 million, paid over 20 years.

Mayor Rees asked about Recreation impact fees for our City compared to other communities. Mr. Bollhoefer responded that the City's Recreation impact fees are right in the middle and there was discussion on the possibility of increasing Recreation impact fees and the funds allocation requirements for such future revenues.

City Manager Bollhoefer also informed the City Commission of an additional anticipated homestead exemption which is expected to reduce the City's revenues by six to seven percent.

**9. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Bennett** stated that the City had a wonderful Spring Fever downtown and she thanked staff for their hard work and noted that it was a great community event.

**Commissioner Buchanan** echoed her comments that it was a great event and marveled at the beauty of how the roses bloomed all at the same time.

Commissioner Buchanan commented on the property the City has the opportunity to purchase from Bradford Park around to Newton Park and voiced that it is the opportunity to a vision of endless possibilities with this project.

**Commissioner Maciel** thanked staff for the Bloom 'N Grow event and thought it was a wonderful event.

Commissioner Maciel also thanked the Mayor and Commissioners for moving forward on the roundabout issue and for moving forward on the East Winter Garden Plan. He expressed that the meetings are going great.

**Commissioner Sharman** shared that he echoes the other Commissioner's comments. He described being on the City Commission years ago when the recreational study and masterplan were done and feels that all the plans may have already been accomplished.

Commissioner Sharman commended City Manager Bollhoefer for an excellent job in the efforts with addressing the Florida Hospital helicopter issue.

**Mayor Rees** thanked City employees for their efforts in the Bloom 'N Grow event and feels it is a lot of hard work for which they do an excellent job. He shared that by the time they and the vendors had broken everything down, City staff had come through and within an hour it was spotless and they do it smiling.

The meeting adjourned at 7:22 p.m.

APPROVED:

\_\_\_\_\_/S/\_\_\_\_\_  
Mayor John Rees

ATTEST:

\_\_\_\_\_/S/\_\_\_\_\_  
City Clerk Angee Grimmage, CMC