



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 25, 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

Absent: Commissioner Colin Sharman – District 4

Also Present: City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimmage, 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, Information Technology Director Chad Morrill, Fire Chief Matt McGrew and Police Chief Stephen Graham

1. **APPROVAL OF MINUTES**

Motion by Commissioner Maciel to approve regular meeting minutes of October 11, 2018 as submitted. Seconded by Commissioner Bennett and carried unanimously 4-0.

2. **PRESENTATION**

A. **Proclamation 18-06:** declaring November 3 through 10, 2018 as Week of the Family was read and presented by Mayor Rees and the City Commissioners. The proclamation was accepted by Victoria Laney who thanked the City and shared information on upcoming related events.

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **ORDINANCE 18-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING POLICY 1-1.2.11 OF THE FUTURE LAND USE ELEMENT, AMENDING POLICY 5-1.4.1, POLICY 5-1.4.2, POLICY 5-1.4.10, POLICY 5-1.4.12, POLICY 5-1.4.14 AND DELETING POLICY 5-1.4.6 OF THE CONSERVATION ELEMENT OF THE WINTER GARDEN COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 18-24 by title only. Planning Consultant Williams stated that this is the second hearing on the changes to policy. He noted that the original policy's reference to other agencies review of the wetlands; with these changes to policy the emphasis is on the City making the first and most important decision. He noted that the changes also allow in cases of mitigation for an encroachment into a wetland that the City approves, it would happen within the City. He noted that the other

agencies are more concerned about mitigation outside of this area. The City feels that the impacts are here, then the mitigation should be here. He noted that comments were received from the State. They had no objection and only suggested removal of provisions no longer in effect. Staff recommends approval of the changes.

Commissioner Maciel noted that he is in favor of this item and is curious to know if there had been any other comments from Saint John's Water Management District (SJWMD). Mr. Williams responded no, and noted that the Department of Economic Development does route them through those agencies and there have been no comments.

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

Motion by Commissioner Buchanan to adopt Ordinance 18-24. Seconded by Commissioner Maciel and carried unanimously 4-0.

- B. **ORDINANCE 18-37:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 18, ARTICLE II, DIVISION II OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN REGARDING THE BUILDING CODE TO CREATE A NEW SECTION 18-62 RELATING TO PRIVATE PROVIDER ALTERNATIVE PLANS REVIEW AND INSPECTION; PROVIDING FOR PRIVATE PROVIDER REGISTRATION AND A SYSTEM TO VERIFY COMPLIANCE WITH LICENSURE AND INSURANCE REQUIREMENTS; PROVIDING EXPRESS RESERVATIONS OF CITY AUTHORITY, INCLUDING THE AUTHORITY TO ISSUE STOP-WORK ORDERS UPON OFFICIAL DETERMINATION THAT A CONDITION ON BUILDING SITES CONSTITUTES AN IMMEDIATE THREAT TO THE PUBLIC SAFETY AND WELFARE; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE

Community Development Director Pash stated that the Florida Statutes provide builders with the option to hire private providers for plans review or inspections. This ordinance establishes the City requirements. Staff recommends approval.

City Manager Bollhoefer noted that the City made this as tight and tough on the builders as the City possibly could. The attorneys review it and the City did everything possible to control the builders as best possible. He noted that the City is limited by State Law. He is aware that there are some in the community that are upset by this but it is really an issue to discuss with their State legislators. He informed that on this item, the City has no options because it is State law.

Daniel Melvold, 14342 Sunbridge Circle, Winter Garden, Florida expressed his concerns that builders should not be governing themselves. He shared that they have had to rely on the City multiple times in order to get some things done.

Mayor Rees noted that this was discussed at the last meeting and recognized the City Attorney to speak on the issue. City Attorney Ardaman advised the citizens to call their legislators; noting that the City is tightening everything it can on the development community. He noted that this is about as far as the City can go. City Manager Bollhoefer stated that the City does not have an option; this is a State requirement that the City would rather not do.

There was discussion on the City's current inspection workload and it was noted that this has really nothing to do with that. It was noted that all these concerns were voiced at the last meeting and reiterated tonight. Commissioner Maciel offered that citizens still contact the City with any concerns they may have as they are good at holding the builders accountable.

Torey Eisenman, 15843 Turkey Island Circle, Winter Garden, Florida noted that she did not attend the last meeting but wanted to ask that if in fact this is mandated by State legislator, what role the City plays when builders do not uphold code. She shared issues with her current home. City Manager Bollhoefer responded that the City will audit these builders to the greatest extent possible; noting that we work for the residents. He noted that because of outstanding issues, it is thought that one of the builders was going to make this kind of move and the City has preempted this issue with this Ordinance. There was discussion on what powers the City actually has in the matter.

City Manager Bollhoefer noted that when all is said and done, and everything is finished, the builders are gone and the residents are left and we work for them.

Joe Bernier, owner of InSpecPRO Inspection Group, Winter Garden, Florida stated that he has been a building inspector for 20 years. He noted that back in early 2000, when Universal Engineering took over to perform private inspections on behalf of the County and the City, there was a review board. They randomly reviewed the inspections to ensure that nothing was being overlooked; especially during the structural portion of the inspection. He inquired as to whether the City is looking to do something similar this time around. City Manager Bollhoefer replied absolutely and noted that no one has a private provider at this point. The City will put together a whole task force and audit to the greatest extent that the City is allowed to under the law.

Mayor Rees closed the public hearing.

Commissioner Buchanan noted that from the real estate standpoint, during a purchase it is possible to strike certain language placed in a contract.

Motion by Commissioner Buchanan to adopt Ordinance 18-37. Seconded by Commissioner Bennett and carried unanimously 4-0.

4. **REGULAR BUSINESS**

- A. **Resolution 18-06:** A RESOLUTION OF THE CITY OF WINTER GARDEN, FLORIDA RELATING TO THE ACQUISITION BY EMINENT DOMAIN OF FEE TITLE OF PROPERTY DESIGNATED PARCEL 101 AND A TEMPORARY CONSTRUCTION EASEMENT DESIGNATED AS PARCEL 701; PARCEL 101 AND PARCEL 701 BEING GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE FULLERS CROSS ROAD AND EAST CROWN POINT ROAD INTERSECTION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 18-06 by title only. Planning Consultant Williams stated that this is being brought to the City Commission in an abundance of caution. He stated that the City is negotiating with the property owner and making progress after several years of trying to resolve this issue. He noted that they are moving forward in good faith as is the City, but if something were to fall apart then we would like to have this Resolution. He noted that the residents have been pushing for this improvement for quite a long time.

Motion by Commissioner Bennett to approve Resolution 18-06. Seconded by Commissioner Maciel and carried unanimously 4-0.

- B. **BID PROTEST HEARING** - Project No. 15-009 - Western Storage and Pumping Facilities
City Attorney Ardaman stated that this is a bid protest in which facts, statements, and arguments would be heard. He informed that the City Commissioner would be asked to consider testimony, documents to make a determination with respect to the recommended award, the actual award, and the appeal of an award with respect to the matter at issue. **Mr. Ardaman** described the suggested procedures in relation to process and timing; noting that the City Commission has the authority to modify. He explained that the hearing is quasi-judicial and informed the City Commission that what is to be considered during this proceeding is the evidence. **Mr. Ardaman** listed the proceedings order and due to the quasi-judicial nature of the proceedings, asked the City Commission to allow the City Clerk to swear-in all who intended to give testimony.

The oath for testimony was administered to four individuals by City Clerk Grimmage.

City Attorney Ardaman noted that in these proceeding a cross-examination by the representatives for the entities appearing and presenting arguments and testimonies should be allowed if they so choose.

City Attorney Doug Akerman, representing City staff, introduced documentary evidence which he distributed to the City Clerk, the Mayor and to each City Commissioner. He noted that this is a bid protest and the basic issue before the City Commission is whether City staff, and then subsequently, the City Manager, properly disregarded the low-bid of Carr and Collier, Inc. **Mr. Akerman** listed and described three reasons as to why the City staff disregarded the bid of Carr and Collier, Inc. First, a failure to list the

subcontractors. Secondly, Carr and Collier, Inc. did not demonstrate adequate experience. Thirdly, Carr and Collier, Inc. submitted an unbalanced bid. **Mr. Akerman** noted that most of the evidence is in front of the City Commission and testimony is not needed to read a bid and see that the unit prices are unbalanced and see that the subcontractors are not listed. He expressed that no oral presentation given tonight would change those facts and for this reason staff requests denial of the protest.

Mayor Rees recognized Carr and Collier, Inc. to present their case.

Bryan Capps, representative of Carr and Collier, Inc., noted that also present with him is Mr. Reynolds Holiman, the Vice President and Second Manager of Carr and Collier, Inc., formerly of Prime Construction Group before splitting off to join Carr and Collier, Inc. **Mr. Capps** stated that Mr. Holiman is a Certified General Contractor and Underground Contractor. **Mr. Capps** stated that they were here before the City Commission to try to get the City to do the right thing.

Mr. Capps stated that the difference between Carr and Collier's low-bid and TLC Diversified's second low-bid is almost \$90,000. He noted that there is no dispute between them and TLC Diversified as to whether or not TLC Diversified is qualified. There is an issue that they would raise with respect to TLC Diversified's bid and how it is supposedly defective to their bid. He noted that the documentary evidence upon which their protest is based is already in the City's possession; which is why additional packets were not issued. He stated that the problem is that the City abdicated or delegated its responsibility to determine who is the lowest responsive and responsible bidder in this case, to the private third party Tetra-Tech. He indicated that Tetra-Tech has recommended against them on other projects and described some of their past research efforts as to why. He commented that public records requests were made that proved to be what he felt was inefficient.

Mr. Capps stated that the defects in their bid, as pointed out by Mr. Akerman, were not addressed as they were not what the original rejection decision was based on. He referred to the Tetra Tech original recommendation from 6/1/2018 and noted that it did mention, in passing, some certain omissions from their bid and were not cited as the grounds for rejections. The decision was only based upon their ostensible lack of experience and only upon Tetra Tech's recommendation. That is what the City's original decision was based upon.

Mr. Capps stated that this is not a complicated project and listed components of the project. He explained that this is the kind of project Carr and Collier has in its qualifications. He stated that this was an arbitrary, capricious, and erroneous decision and they did not get their chance. **Mr. Capps** gave a history of events leading up to what he called being denied before being able to demonstrate their qualifications. **Mr. Capps** noted that they have had this issue before regarding their qualifications for

instrumentation and controls; but was a moot point as the City had specified the instrumentation and controls the subcontractor was going need. He read a list of subcontractors and noted that TLC Diversified did not identify its asphalt subcontractor. **Mr. Capps** stated that there is no evidence in the record that the City or Tetra Tech considered the qualification of those subcontractors, even though it is required to do so by its own bid documents. He stated this is arbitrary, capricious, and erroneous and the basis for a further appeal, if necessary. He read the Tetra Tech decision and stated that this is their grounds for the appeal and noted that a decision had been made before their bid protest. He addressed Florida law regarding bidding, and stated that it is arbitrary and capricious for a contracting agency to rely upon purely subjective criteria that are not set forth, enumerated, or detailed in the bid documents. He stated that their projects are similar and noted that there are 166 preferences, in the bid documents, to the kinds of qualification their subcontractors and their personnel is supposed to have. He stated that no mention of this was made in the Tetra Tech decision to reject them. He stated that the this was arbitrary and capricious and would be the grounds for the City Commission overturning their decision. He asked the City Commission to take a second look and determine that they are indeed capable, qualified, and experienced enough. **Mr. Capps** then referenced sections of Chapter 255 from Florida State Statutes.

Reynolds Holiman, stated that he is the qualifying agent for Carr and Collier, Inc. and noted that he would like to address a few of the items. The issues he addressed were listed subcontractors, score cards used by the City Manager, and ground storage tanks of which he noted he has built three under his license. **Mr. Holiman** also spoke of the issue of chemical feed systems listed on the score cards and how they did not know it was such a big issue. He described how, being with Carr and Collier, they have installed five chemical feed systems. He indicated that they were given the score cards after the fact and there was a lack of communication regarding their past experience.

City Attorney Ardaman called for cross examination at this point in the meeting.

City Attorney Akerman presented Mr. Holiman with a document identified as their bid. **Mr. Akerman** inquired as to how much of the bid amount Carr and Collier intended to sub out. **Mr. Holiman** estimated about 40 to 50 percent. He stated that all GCs (General Contractors) do it about the same. **Mr. Akerman** asked if approximately \$3 million would be about right; **Mr. Holiman** responded that he did not know and described items that would be subbed. **Mr. Akerman** inquired about subs which were to be listed; noting that there were none listed. There was discussion between **Mr. Akerman** and **Mr. Holiman** regarding no listed surveyor; **Mr. Holiman** noted that they never list them.

Mr. Akerman introduced as the next exhibit, a letter from the City of Palm Coast in which he noted there was trouble and that Mr. Holiman was threatened with liquidated damages on the two jobs. **Mr. Holiman** replied yes we were. **Mr. Akerman** brought Mr.

Holiman's attention to an untruth regarding a statement made on the City of Palm Coast job which stated that the job was done in 330 days. **Mr. Holiman** explained the circumstances and noted that the jobs were finished per specifications. **Mr. Akerman** inquired as to the incorrect 270 number of days written also for the other bid for the City of Palm Coast. **Mr. Holiman** noted requirements of the City of Palm Coast during the job that caused delays and stated that they worked in good faith. **Mr. Akerman** introduced another exhibit which he stated contained information regarding \$15,000 in liquidated damages; **Mr. Holiman** responded that these things are not uncommon. **Mr. Akerman** referenced another item that was submitted on Mr. Holiman's bid, listing \$35,000. He inquired if it was impossible to do that job for the \$35,000. **Mr. Holiman** responded that this was a lump sum bid and as long as the plans do not change, they will build the job for whatever is the lump sum. **Mr. Akerman** inquired as to whether it is true that they cannot build that asphalt to scope with \$35,000; **Mr. Holiman** responded that he does not know. **Mr. Akerman** asked if it was impossible to build the site work and stormwater for \$50,000; **Mr. Holiman** responded yes.

Bryan Capps asked Mr. Holiman about the issue of the unbalanced bid and questioned if it was noted as a grounds for their rejections. **Mr. Holiman** responded no, not that he remembers. **Mr. Capps** asked if the evaluations regarding Mr. Holiman's prior project experience and all the detailed questioning was done before the decision was made to reject his bid. **Mr. Holiman** responded that if he has ever had a price with a unit price schedule, it was always worked after; noting that he has never had this problem before. **Mr. Capps** informed Mr. Holiman that it was nice that the City is vetting his experience, but that they did not do it before.

Mr. Capps inquired of Mr. Holiman regarding the Palm Coast issue and the liquidated damages; asking if it is in current legal dispute. **Mr. Holiman** responded that he has a General Manager (GM) handling it. **Mr. Capps** asked if it is still an ongoing legal matter. **Mr. Holiman** stated that there are still some serious site conditions that the other lawyer did not bring up or know about. **Mr. Capps** indicated that this is all that he has.

Mayor Rees recognized TLC Diversified to give testimony.

Dalas Lamberson, Vice President of TLC Diversified noted that they are a General Contractor here in Florida. He gave some history of his company which was started by his father since 1985. He noted that they were the second bidder and were awarded the job. He informed that they did not list an asphalt sub because they provide that service themselves. He indicated that they are a General Contractor and Underground Contractor, capable of fence installation, their own plumbing, and instrumentation and controls. He then noted the subcontractors that they did include on their bid. He stated that in the last five years they have done four tanks with Pre-Con and two are in process with the City of Wildwood. **Mr. Lamberson** noted that the bid document specifically stated that the bidder list at least five similar projects completed in the last three years.

He expressed that if they had been asked about the last 20 years, he could have given their experience with eight tanks, but reiterated that it specified only the last three years. He continued to read excerpts from the bid documents requesting that the experience and qualifications of the bidder be listed, relative to this \$7-million-dollar project. **Mr. Lamberson** stated that they provided information on five final and completed projects and shared related details on some of their other past projects. He noted that they agree with being the lowest responsive, responsible bidder based on what the City Manager and Engineer found. They did not leave anything to question and noted that they have been TLC Diversified since 1985 and has not gone by any other name. He expressed that they welcome the award of the job if it happens.

Mr. Capps noted that TLC Diversified qualifications were never an issue.

At this point in the meeting, Mr. Capps asked a question and received an answer from Mr. Lamberson which was inaudible to the City Commission and the City Clerk; this issue was addressed.

Mr. Lamberson noted that he was asked to give a rebuttal. **Mr. Capps** asked about some of the listed subcontractors that were given by TLC Diversified and some that were not listed because they are a General Contractor and could do the jobs themselves. **Mr. Capps** responded, so are we. **Mr. Lamberson** stated that they could not do instrumentation and controls, HVAC, and plumbing. **Mr. Capps** noted that Mr. Akerman referenced subcontractors that were not listed and noted to Mr. Lamberson that they did not list some as well. **Mr. Lamberson** addressed the items where there were no subs listed and informed that they were not listed because they could perform those items themselves. **Mr. Capps** and **Mr. Lamberson** discussed specifications, competitors, and a name change of Carr and Collier, Inc. from the name Villages Construction.

Mayor Rees then recognized City staff to come forward for testimony.

Daniel Allen, Senior Project Manager with Tetra Tech and Project Manager on this project was introduced by **City Attorney Akerman** who asked that Mr. Allen describe his role in this project. **Mr. Allen** noted that their task in this effort is to evaluate the qualifications provided in the bid documents; he explained the process. He noted that when the information provided was reviewed, they found that Carr and Collier did not include projects that were even remotely similar. He noted that right away they knew there was concern. There was no electrical and no instrumentation and controls. Based on review of the submittal was the recommendation made to City staff for their consideration. **Mr. Akerman** asked Mr. Allen to address the issue of subcontractors. **Mr. Allen** responded that when the bid was reviewed, which is not a lump sum bid, there were parts with unit pricing and parts that were lump sum. He noted that there are unit prices that would have to be followed under their scheduled value when they submit their pay applications. **Mr. Allen** stated that there were two items that were

extremely low compared to, not only our estimate, but the other bidders and this raised some concerns. He also noted that they did not list all of their subs and the cost for those subs. **Mr. Allen** noted that he strongly disagrees with them and expressed that this is a complex job and described some of the components.

Mayor Rees next recognized Carr and Collier, Inc.

Mr. Capps inquired as to Mr. Allen's testimony regarding the Carr and Collier qualifications. **Mr. Allen** clarified that he stated that they were concerned that they [*Carr and Collier, Inc.*] may not know how to do the project based on qualifications omitted with their bid. **Mr. Capps** asked if Mr. Allen does not dispute that the bid documents provide for post bid submissions and qualifications. **Mr. Allen** responded that he does not dispute this, but it is allowed as a City option to ask for additional qualifications, if they so choose. **Mr. Capps** noted that it does not say that in every provision. **Mr. Allen** stated that his understanding is that it is an optional decision. **Mr. Allen** stated that the decision made was based on the information that was provided. **Mr. Capps** inquired and there was discussion on a review letter and also the performance bond and its purpose. **Mr. Allen** noted that in his personal opinion, he strongly disagrees that a performance bond provides adequate protection.

City Attorney Akerman asked Assistant City Manager of Public Services Jon Williams about his role for this project. **Mr. Williams** stated that his role consists of an evaluation committee that included himself, an Engineer, and a Consultant Engineer. He noted that they evaluated the recommendation of Tetra Tech and came to the conclusion that they did not disagree with the recommendation. They evaluated all of the bids in good faith, with reasonableness and honesty; agreeing with Tetra Tech and their recommendation.

Mr. Capps commented on Mr. Williams' statement that they did not disagree. **Mr. Williams** stated that this is an exact endorsement of how they felt as an evaluation committee; which is that they did not disagree. **Mr. Williams** expressed that the mere inference that staff would rubber stamp the endorsement of Tetra Tech was borderline offensive and wrong. **Mr. Capps** asked what kind of investigation was done regarding Carr and Collier and TLC Diversified qualifications. **Mr. Williams** responded that we evaluated the proposals that were submitted. **Mr. Williams** expressed that his recommendation would not change; the bid documents listed the criteria in which the proposals were to be submitted; experience and qualifications was one of those items.

City Attorney Ardaman offered that TLC Diversified has the opportunity for rebuttal and cross-examination; they had none.

Mayor Rees offered for comments from the City Commission and the City Manager; there were none.

City Attorney Ardaman advised that it would be best for counsel to make his request as there is an appeal; asking for what they want, with the City doing the same. Mr. Ardaman recognized the appellant to make a closing summary statement of their request.

Mr. Capps requested that the City Commission reject the recommendation in September 2018 by the City Manager, which upheld the original decision from June 4, 2018 that was based on the Tetra Tech recommendation. Issue an order for the City to enter into a contract with the lowest responsive and responsible bidder, Carr and Collier, Inc., and save the City citizens \$90,000 plus attorney fees.

City Attorney Akerman stated that the evidence shows very clearly they [*Carr and Collier, Inc.*] did not list all of the subcontractors, and did not list major subcontractors. He noted that the evidence shows that they do not have the appropriate level of experience. He stated that in the documents regarding dollar amounts, they do not have it. It was heard from the testimony of the Professional Engineer Mr. Allen, that they have not shown the requisite complexity. The third point is undisputed, the bid is wildly unbalanced and Mr. Holiman admitted it. **Mr. Akerman** stated that those items are not even buildable for those dollar amounts. He noted that for these reasons the City Commission is asked to make a motion to approve the City Manager's decision and reject the bid protest of Carr and Collier, Inc.

Mayor Rees asked if there were any questions or comments from the City Commission; there were none.

Motion by Commissioner Buchanan to approve the City Manager's decision to reject the appeal by Carr and Collier, Inc. Seconded by Commissioner Bennett. Commissioner Bennett briefly noted her reasons for support of the decision to reject the appeal and the **motion carried unanimously 4-0.**

- C. Recommendation to approve West Orange Junior Service League - Annual Winter Garden Christmas Golf Cart Parade – December 16, 2018 from 4:00 to 8:00 p.m. – Downtown

Community Development Director Pash noted that this is the special event application for the annual golf cart parade. He noted that the request is for Sunday, December 16th and it will be the same as last year, starting at Bradford Park at 4:00 p.m. for staging. The parade leaves there at 5:30 p.m. and travels through downtown, ending at Walker Field. They request use of the City's portable restroom and parks without charge. Staff recommends approval.

Motion by Commissioner Buchanan to approve West Orange Junior Service League - Annual Winter Garden Christmas Golf Cart Parade – December 16, 2018 from 4:00 to

8:00 p.m. in Downtown Winter Garden. Seconded by Commissioner Maciel and carried unanimously 4-0.

- D. Recommendation to approve West Orange Junior Service League – Jingle Jolly Jog 5K – December 1, 2018 from 3:00 to 8:00 p.m. - Oakland Park

Community Development Director Pash stated that the Jingle Jolly 5K has been done for a couple years in Oakland Park. He noted that the request is to hold the event on Saturday, December 1st from 2:00 p.m. until 8:00 p.m., all within the Oakland Park neighborhood. He described some of the events and activities, noting no closing of City streets. He shared that they are working with Police to be sure all access is maintained for the neighborhood. Staff recommends approval.

Motion by Commissioner Maciel to approve West Orange Junior Service League – Jingle Jolly Jog 5K on December 1, 2018 from 3:00 to 8:00 p.m. in Oakland Park. Seconded by Commissioner Bennett and carried unanimously 4-0.

- E. Recommendation to approve Southwest Aquatics - The Gift of Swimming – 11th Annual 5K Run for the Gift – November 11, 2018 from 6:30 to 9:00 a.m.

Community Development Director Pash stated that this is a special event request for the annual gift of swimming 5K, proposed for Saturday, November 10th, 5:00 a.m. until 10:00 a.m. He described the route area and stated that staff recommends approval of the event.

Motion by Commissioner Maciel to approve Southwest Aquatics - The Gift of Swimming – 11th Annual 5K Run for the Gift on November 11, 2018 from 6:30 to 9:00 a.m. Seconded by Commissioner Bennett and carried unanimously 4-0.

5. **MATTERS FROM PUBLIC**

Joseph Richardson, 220 N. Highland Avenue, Winter Garden, Florida, voiced his concerns regarding the City of Winter Garden's current invocation policy and suggested changing it or eliminating it altogether.

6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

- A. Recommendation to cancel regular City Commission meetings for November 22, 2018 and December 27, 2018 for the Holidays

City Manager Bollhoefer recommended the cancellation of the November 22, 2018 and December 27, 2018 meetings.

Motion by Commissioner Bennett to cancel regular City Commission meetings for November 22, 2018 and December 27, 2018 for the Holidays. Seconded by Commission Buchanan and carried unanimously 4-0.

- Best Places in Florida
City Manager Bollhoefer announced that the City of Winter Garden has won the “Best Places in Florida” award for its downtown area.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Maciel congratulated the City on a job well done in winning the award.

Commissioner Buchanan echoed comments that winning the award is nice.

Commissioner Bennett noted that it is a great award.

The meeting adjourned at 8:20 p.m.

APPROVED:

____/S/_____
Mayor John Rees

ATTEST:

____/S/_____
City Clerk Angee Grimmage, CMC