

REGULAR MEETING MINUTES

CITY COMMISSION

July 12, 2001

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Jack Quesinberry at 6:30 p.m. and the Invocation and Pledge of Allegiance were given.

PRESENT: Mayor Jack Quesinberry, Commissioners John Rees, Theo Graham, Mildred Dixon (arrived at 6:39 p.m.) and John Harriman; City Manager Hollis Holden, City Attorney Dykes Everett, City Clerk Kathy Montoya, Utilities Director Charlie Tinch, Planning Director Mark Cechman, Finance Director Mike Bollhoefer (left at 6:45 p.m.), Recreation Director Larry Caskey, Human Resources Director Victoria Ward, Public Works Director Marshall Robertson, Police Chief Jimmie Yawn and John Maloney of The West Orange Times

PRESENTATIONS

1. Funding of Downtown Renovations

Finance Director Bollhoefer stated the City's plan to renovate the downtown business district includes obtaining the most reasonable financing possible, while still allowing the CRA to fund other projects. Staff has been working with David Moore of Public Financial Management (PRM) and Steve Miller with Nabors Giblin & Nickerson Law Firm. The finance plan developed by PRM includes four scenarios. Of the four scenarios, staff has determined that number four is the most feasible. Under this financing, the City would borrow \$3.7 Million up front, we would not make any principle payments until October 2004, however the City would make interest payments every 6 months from the inception of the loan. The principal payment will be \$275,000 per year plus 50% of the remaining revenues. The interest expense the City incurs the first 3 years, while the City is not paying interest, will be offset by interest earned on the balance of the loan proceeds. Three banks submitted proposals for the loan: Bank of America, First Union and SunTrust. Bank of America's and First Union's proposals were non-conforming to the "Request for Proposals." Therefore, staff recommends that the Commission select SunTrust for the financing. Final loan terms and documents will be provided to the City Commission before the July 26, 2001 meeting. SunTrust submitted two options: a fixed interest rate option and a variable interest rate option. Although the variable interest rate is significantly lower, by about 2 percent, we recommend that the city use the fixed interest rate option. If the City were to use the variable interest rate option, it runs the risk of interest rates increasing significantly, thus increasing loan costs and possibly preventing the City from taking on other projects. Commissioner Rees stated he has only been able to try and review the booklet today because he only received it on Monday and his schedule prevented him from being able to review it sooner. Mr. Bollhoefer explained that there are two proposed Ordinances later in the agenda that are for first reading to allowing the CRA to borrow money and to set-up the borrowing for this specific loan for downtown. Commissioner Graham stated he prefers the fourth option that will allow for funding of projects in the future. Mr. Bollhoefer stated that the revenue projections used in determining the financing plan were conservative. For example, the revenues budgeted for the CRA this year, \$325,000, are comparable to the projected 2008 level, thus far exceeding the conservative projections. At the last CRAAB meeting, staff advised the board that while times are good, to set aside and build a

cash reserve. If the Commission approves staff working SunTrust, there will be two Resolutions presented at the next Commission meeting as well as the two Ordinances that if approved, will allow the City to close the loan that night. Commissioner Rees stated that limiting financing discussions to one bank might not be in the City's best interest. Therefore until he has had a chance to review the material, he is unable to vote in favor of the item. After he has reviewed the material, he will discuss it with staff. **Motion by Commissioner Graham to permit staff to negotiate downtown renovation financing with SunTrust Bank. Seconded by Commissioner Harriman and carried 4-1. Commissioner Rees opposed.**

APPROVAL OF MINUTES:

1. Regular Meeting Minutes of June 28, 2001 - **Postponed**

REGULAR BUSINESS:

1. **Appointment to General Employees' Pension Board (Postponed from the June 28, 2001 meeting)**

Mayor Quesinberry recommended the appointment of Margo Kennington, who is the current employee representative, who is retiring and would be an experienced member effective when her current term expires in September. **Motion by Commissioner Graham to appoint Ms. Margo Kennington to the General Employee's Pension Board. Seconded by Commissioner Rees and carried 5-0.**

2. **Selection of Voting Delegate to attend Florida League of Cities Conference (Postponed from the June 28, 2001 meeting)**

Mayor Quesinberry stated he would not be attending the conference this year. It was the consensus of the Commission that they would not be selecting a voting delegate this year.

3. **Approval of Sterling Pointe Final Plat (Tabled from the June 28, 2001 meeting)**

Planning Director Cechman stated that this plat is for a 92-lot subdivision off Beulah Road south of SR50. The title opinion has been corrected since postponing the item from the last meeting and staff recommends approval. Mayor Quesinberry asked about how houses would fit on some of the lots at the corners or at the end of the roads? City Manager Holden stated that the lots meet the required 35-foot cul-de-sac entrance. **Motion by Commissioner Harriman to approve the Final Plat for Sterling Pointe will all of staff's recommendations (see attached). Seconded by Commissioner Dixon. Motion carried 5-0.**

4. **Request approval to move certain vehicles and furniture to surplus**

Public Works Director Robertson stated that staff is recommending the surplus of 4 vehicles and Commission Chamber chairs, which would be auctioned in Zellwood.

Motion by Commissioner Rees to approve the surplus equipment requested (see attached). Seconded by Commissioner Harriman and carried 5-0.

5. **Recommendation of Design Consultant for Daniels Road Bridge/Roadway Project**

Public Works Director Robertson stated that staff is recommending Professional Engineering Consultants, Inc. (PEC) as the design consultant. The Selection Committee has selected PEC based upon the work they have done designing McGuire Road bridge and the fact they are currently working with the Turnpike authority. Staff is requesting approval to begin negotiations. Mr. Robertson stated Florida Department of Transportation (FDOT) must approve the bridge design and they will be funding a portion of the bridge. City Manager Holden stated that the ultimate project is to provide a 4-lane road from SR50 to the 429/CR535 interchange. The most costly portion is the bridge. A consultant was contracted with to assist with obtaining a grant. Mr. Robertson stated that the bridge portion is estimated to be \$2.75 Million of the total estimated cost of \$3.5 Million. **Motion by Commissioner Graham to begin negotiations with Professional Engineering Consultants, Inc. Seconded by Commissioner Harriman. Motion carried 5-0.** Mr. Holden stated that after negotiations have been completed, this item would come back to the City Commission for approval.

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6. **Recommendation to Approve Final Design and Permitting Agreement with Boyle Engineering for Crest Avenue Wastewater Treatment Plant Improvements**

Utilities Director Tinch stated staff is recommending that Boyle Engineering be approved to do the final design and permitting process for \$505,756.00. Commissioner Graham stated he has concerns about overruns which occurred during the prior sewer plant project with Boyle Engineering. **Motion by Commissioner Harriman to approve the Final Design and Permitting Agreement with Boyle Engineering for Crest Avenue Wastewater Treatment Plant Improvements. Seconded by Commissioner Rees. Motion carried 5-0.** Mr. Tinch stated that in his opinion, if the City has a good representative to do the inspection and stay on top of things, the City would end up with a good product within budget.

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7. **Approval of Water Conserv II Agreement for the Delivery and Use of Reclaimed Water**

Utilities Director Tinch stated that the proposed agreement is with Orange County to deliver reclaimed water to the City focusing on developments in the southwest area of the City. The agreement requires knowing how much water the City will use in the developments. In the beginning, there will not be any charge, but later on there will be some rates to be negotiated. Commissioner Harriman asked if there is enough water for both the golf course and houses in the area. City Manager Holden stated there is a 54-inch pipe available with enough water. Commissioner Graham asked why page 2 Item 1.b) last sentence states "the Owner may not receive any revenues..."? Mr. Holden stated that the provision would not allow the City to take the water for free and then make a profit by charging. **Motion by Commissioner Harriman to**

approve the Water Conserv II Agreement for the Delivery and Use of Reclaimed Water. Seconded by Commissioner Dixon. Motion carried 5-0.

8. FIRST READING OR PROPOSED ORDINANCES:

- A. **Ordinance 01-52:** Amending City Code by Creating Article VII, Chapter 78, Reclaimed Water

City Attorney Everett read Ordinance 01-52 by title only. **Motion by Commissioner Harriman to approve Ordinance 01-52 with the second reading and public hearing being scheduled for July 26, 2001. Seconded by Commissioner Rees. Motion carried 5-0.** Commissioner Graham stated that he opposes the Ordinance as it is currently written because it would charge residents \$900 for hooking onto a line and if they don't, they would still have to pay a minimum fee of \$4.58. He stated he is not charged by any other utility service for a service that is merely "available", except for City water, which he previously voted against. He is charged for what he is hooked onto. Therefore he cannot justify the charge. City Manager Holden stated that the St. Johns River Water Management District explained their reasons for requiring meters and mandatory connections to the City. The intent of the requirement, as explained to him, is to compel the use of reclaimed water to conserve potable water. The meters and rate structure is to penalize residents for overuse of reclaimed water.

- B. **Ordinance 01-57:** Amending Article V, Section 98-121(b) Authorizing the Community Redevelopment Agency to Borrow Money or to Provide Authorization for Borrowing Money

City Attorney Everett read Ordinance 01-57 by title only. Mr. Everett stated that the portion being amended is to change the City's Ordinance to allow the CRA to borrow funds. The State Statutes have always allowed the CRA to borrow funds, but the City Ordinance prohibited borrowing. **Motion by Commissioner Harriman to approve Ordinance 01-57 with the second reading and public hearing being scheduled for July 26, 2001.** Commissioner Rees stated that because this Ordinance requires a second reading and public hearing before being adopted, he would vote in favor of scheduling the hearing. **Seconded by Commissioner Dixon. Motion carried 5-0.**

- C. **Ordinance 01-58:** Authorizing the Community Redevelopment Agency to Borrow Money for Downtown Renovation

City Attorney Everett read Ordinance 01-52 by title only. **Motion by Commissioner Graham to approve Ordinance 01-58 with the second reading and public hearing being scheduled for July 26, 2001. Seconded by Commissioner Harriman.** Commissioner Rees stated that because this Ordinance requires a second reading and public hearing before being adopted, he would vote in favor of scheduling the hearing. **Motion carried 5-0.**

9. MATTERS OF CONCERN FROM CITIZENS - None

10. **MATTERS FROM CITY ATTORNEY** – None

11. **MATTERS FROM CITY MANAGER**

- Stated that prior Code Enforcement action taken on property located at 13754 W. Colonial owned by the Heidt's has had liens filed for unpaid fines and a lien for an outstanding utility bill. The property is in the process of being sold and a settlement of liens has been requested. Staff is recommending a settlement to cover the City's costs, some penalty, and the utility bill of \$318.18 for a total amount of \$1,680.36. **Motion by Commissioner Rees to accept the payment \$1,680.36 to satisfy the Code Enforcement Lien and Utility bills for 13754 W. Colonial Drive owned by Mr. & Mrs. Heidt. Seconded by Commissioner Harriman. Motion carried 5-0.**
- Stated that there is also a Code Enforcement lien on property located at 21 Avalon Road owned by the Church of the Word of Life. By the time they complied, the fines accrued were \$16,950. Staff recommends a settlement in the amount of \$250 to cover administrative costs. **Motion by Commissioner Graham to accept the payment \$250 to satisfy the Code Enforcement lien against 21 Avalon Road. Seconded by Commissioner Rees. Motion carried 5-0.**
- St. Johns River Water Management District distributes a monthly local government mailer, which he has been distributing. St. Johns has started reducing their paper usage and now make the mailer available by e-mail for which he will be providing the address.
- The City has added another garbage route south of SR50 (870 customers). As part of next budget cycle, the purchase of another side-load dump truck will be recommended.
- The new Public Works Director will start on August 14, 2001.

12. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Rees: None

Commissioner Graham: None

Commissioner Dixon:

- Stated a local resident, Ms. Simmons, whose home was hit by lightning after the tornado and her husband passed away, has relocated to Orlando because her home is in need of renovations. Ms Dixon asked for assistance from the community, churches and agencies to repair Ms. Simmons' home. They will be asking for an extension for cleaning up the location by contacting the City Planner.
- A local group has identified the Maxey Center as a historic building and they will be submitting the Center to the National Historical Registry. Ms. Dixon asked the

- City Planner to let her know which buildings have already been identified as historic in the East Winter Garden area, to prevent any duplicate requests.
- She requested action by City staff to deal with the loud boom boxes in East Winter Garden area.
 - Asked about the closing of the Florida Power office and where the electric bills would be paid so she can provide the information to area residents. City Manager Holden stated that staff has been discussing the possibility of the City Utility Department accepting the payments, but at this point he is not recommending this arrangement. There will be a significant number of payment locations in West Orange that should be announced before October.
 - Asked staff to have the street light at the entrance to Bay Point on 11th Street replaced with a brighter light.

Commissioner Harriman:

- Stated that the Commissioners have received a request from a West Orange High School Varsity Cheerleader for the City to place an ad in their Football Program. Given the opportunity to support area youth sports, **Commissioner Harriman motioned to purchase a full-page ad for \$200 in the West Orange High School Football Program. Seconded by Commissioner Rees. Motion carried 5-0.**
- Stated that the West Orange Chamber is recruiting for a new Director and if any knows someone, contact him or Kay Behrens at West Oaks Mall.
- Announced that the West Orange Chamber is conducting an art auction on July 25, 2001, at the Peabody Hotel.

Mayor Quesinberry: None

ADJOURNMENT: The meeting was adjourned at 7:38 p.m.