

## REGULAR MEETING MINUTES

### CITY COMMISSION

May 22, 2003

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro-Tem John Rees at 6:30 p.m. in City Hall Commission Chambers. The invocation and Pledge of Allegiance were given.

**Present:** Mayor Pro-Tem John Rees, Commissioners John Harriman, Mildred Dixon and Theo Graham

**Absent:** Mayor Jack Quesinberry

**Also Present:** City Manager Hollis Holden, Assistant City Attorney Lionel Rubio, City Clerk Kathy Montoya, Assistant to the City Manager Marshall Robertson, Utilities Director Charlie Tinch, Finance Director Mike Bollhoefer, Public Works Director Bob Smith, Police Lieutenant Jon Johnson, Planner Kelly Randall, Code Enforcement Manager Johnny Clark and Michael Laval of The West Orange Times

1. **APPROVAL OF MINUTES:**

**Motion by Commissioner Harriman to approve the minutes of May 8, 2003 as submitted. Seconded by Commissioner Graham and carried unanimously 4-0.**

2. **FIRST READING OF PROPOSED ORDINANCES:**

A. **Ordinance 03-13: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN BUDGET FOR FISCAL YEAR 2002-2003; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Assistant City Attorney Rubio read Ordinance 03-13 by title only. Finance Director Bollhoefer noted that the recommended mid-year budget adjustment includes three additional firefighter positions to staff the rescue truck and that no additional funds are required because there are sufficient funds in the salary account due to salary savings generated throughout the year from unfilled vacancies. Commissioner Harriman asked if the number of garbage trucks was sufficient at this time. City Manager Holden stated yes. Mayor Pro-Tem Rees asked if the Fire Chief is going to be able to fill the positions even though he has not been able to keep other positions filled. Mr. Bollhoefer stated that the Fire Chief has been working hard in this area and is getting closer to filling the positions. City Manager Holden stated that the reason the positions were included in the mid-year

budget adjustment is because he anticipates bringing back some agreements with Orange County as part of the next budget process. He also noted that the interim budget is in great shape. Commissioner Graham asked about Exhibit 1, Item 2, decrease in interest. Mr. Bollhoefer stated that is an actual change in fair market value, which does not hurt us because we hold our investments until maturity so we do not lose. **Motion by Commissioner Harriman to approve Ordinance 03-13 and to schedule the public hearing for June 12, 2003. Seconded by Commissioner Graham. Motion carried unanimously 4-0.**

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

- A. **Ordinance 03-12:** AN ORDINANCE OF THE CITY OF WINTER GARDEN AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE II, PENSION PLAN FOR GENERAL EMPLOYEES, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; ADDING SECTION 54-52, DEFERRED RETIREMENT OPTION PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

Assistant City Attorney Rubio read Ordinance 03-12 by title only. City Manager Holden stated that the agenda package includes a summary of the proposed plan and staff is strongly recommending approval. Mayor Pro-Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. **Motion by Commissioner Graham to adopt Ordinance 03-12. Seconded by Commissioner Harriman and carried unanimously 4-0.**

- B. **Ordinance 03-11:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 78, UTILITIES, SECTION 78-50, SCHEDULE OF DEPOSITS; REFUND, PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

Assistant City Attorney Rubio read Ordinance 03-11 by title only. Mayor Pro-Tem Rees opened the public hearing. Hearing no comments, the public hearing was closed. Finance Director Bollhoefer stated that adoption of this Ordinance will change the deposit requirements for utility accounts by exempting those who can demonstrate a good payment history with prior utility companies. It will also refund deposits automatically, after two years, if they demonstrate a good payment history. City Manager Holden added that adoption of this ordinance will bring Winter Garden more in line with other utility companies and other cities who provide utilities. Commissioner Graham stated that this is a good idea for those without a lot of money, but have good credit. **Motion by Commissioner Graham to adopt Ordinance 03-11. Seconded by Commissioner Harriman and carried unanimously 4-0.**

4. **REGULAR BUSINESS:**

A. **Recommendation to approve an Interlocal Agreement with Orange County to purchase radio equipment**

Police Lieutenant Johnson stated that this 5-year agreement would pool the traffic surcharges collected, which would be distributed at a rate of \$12 per satisfied Florida traffic citation issued by a City of Winter Garden officer and staff is recommending approval. City Manager Holden advised that this agreement has taken some time to be written and incorporates the changes in the State law. Officer Johnson also stated that the distribution authority for these funds is the County. **Motion by Commissioner Harriman to approve participation in the Orange County Intergovernmental Radio Communication Agreement. Seconded by Commissioner Graham and carried unanimously 4-0.**

B. **Recommendation to approve an Interlocal Agreement with Orange County and the Ocoee Police Department to enter into a Narcotics Task Force targeting the West Orange area**

Police Lieutenant Johnson stated that this item is also an interlocal agreement with Orange County and Ocoee Police Department which would allow the parties to work together to combat illegal drugs in the West Orange area. It would be comprised of two officers from Ocoee with 40 percent funding, two officers from Orange County Sheriff with 40 percent funding and one officer from Winter Garden at 20 percent funding, from any forfeited funds. City Manager Holden stated that staff has written a grant proposal to add an officer to the task force and even if the grant is not awarded to Winter Garden, the next budget cycle will include an additional officer to the task force. Officer Johnson stated that the percentages, with an additional officer, will become 33% for each jurisdiction. Commissioner Dixon stated that she believes this is a good idea and she will be addressing Orange County Sheriff Beary about other available funding for Winter Garden. **Motion by Commissioner Graham to approve the Interlocal Agreement with Orange County Sheriff and Ocoee Police Department for participation in the Narcotics Task Force in the West Orange area. Seconded by Commissioner Harriman and carried unanimously 4-0.**

C. **Recommendation to approve an expenditure of \$712.00 from the Law Enforcement Trust Fund for D.A.R.E. supplies**

Police Lieutenant Johnson stated that purchasing this material will fulfill the City's requirement to expend 15 percent of the forfeiture funds. Sergeant Nash, who teaches the D.A.R.E. program at Dillard Street Elementary School, will utilize the supplies. **Motion by Commissioner Dixon to approve the expenditure of \$712.00 from the**

**Law Enforcement Trust Fund to the D.A.R.E. Program. Seconded by  
Commissioner Harriman and carried unanimously 4-0.**

D. **Recommendation to approve Change Order #1 for Water Plant #4 to convert from chlorine gas to bulk sodium hypochlorite for disinfecting**

Utility Director Tinch stated that staff is recommending approval of the change order to comply with new regulations and reduce the safety risk to the consumer and employees. As part of next year's budget process, he will be recommending that the remaining plants on chlorine gas be converted to sodium hypochlorite. Mayor Pro-Tem Rees asked if the cost to convert the remaining plants will be the same. Mr. Tinch stated it would be less because we do not have to enclose them. **Motion by Commissioner Harriman to approve Change Order #1 to the Water Plant #4 to convert it to use bulk sodium hypochlorite for disinfecting. Seconded by Commissioner Dixon and carried unanimously 4-0.**

E. **Recommendation to approve the Final Plat for Stoneybrook West Unit 5**

Planner Kelly Randall stated that the Final Plat submitted has been reviewed by the Planning and Zoning Board, who recommends approval. Staff has also reviewed the plat and recommends approval with the conditions stated in the letter submitted by the Engineering Department. **Motion by Commissioner Harriman to approve the Final Plat for Stoneybrook West Unit 5 with the City Engineer's recommendation memorandum (see attached). Seconded by Commissioner Graham and carried unanimously 4-0.**

F. **Resolution 03-07: Supporting the Orange County Transportation Mobility 20/20 Initiative**

Assistant City Attorney Rubio read Resolution 03-07 in its entirety. Mayor Pro-Tem Rees stated that this Resolution is in support of the proposed half-cent sales tax on the roads. City Manager Holden stated that he and Mayor Quesinberry have attended several meetings regarding funding issues to improve the Orange County transportation system. Staff has generated and submitted a list of proposed projects that were included in the County 20/20 report, at a cost of approximately \$28 million. As Orange County Chairman Crotty has said, no plan is perfect, but waiting to do the projects will only put us into total gridlock. Mr. Holden also stated that it is a good initiative for the West Orange County area, especially Winter Garden, and he does not know of a city that has not approved the plan and therefore staff recommends approval. **Motion by Commissioner Dixon to approve Resolution 03-07 supporting the Orange County Transportation Mobility 20/20 Initiative. Seconded by Commissioner Harriman and carried unanimously 4-0.**

G. **Recommendation to approve the purchase of a corner-clip and approval of a landscape easement agreement for 7 South Dillard Street**

Assistant to the City Manager Robertson stated that this item is to purchase a corner clip at Dillard and Plant streets in conjunction with the downtown streetscape that will be adding a left-turn lane for westbound traffic. Currently, when trucks turn eastbound off Dillard onto Plant Street, they run over the curb and break up the inlet. Staff is recommending that the corner clip be purchased and a landscape easement be accepted, which will be maintained by the City. Mr. Robertson provided the City Commission with a composite of the proposed area and stated that the businesses will gain a parking space because the sign would be within the landscape easement. **Motion by Commissioner Graham to approve the purchase of the corner clip and the landscape easement at 7 South Dillard Street. Seconded by Commissioner Harriman and carried unanimously 4-0.**

5. **MATTERS OF CONCERN FROM CITIZENS:**

Mr. Don Miller, 1073 Woodson Hammock Circle, Winter Garden, Florida, thanked the Mayor, Commissioners, City Manager, and staff for the recent volunteer awards event and stands ready to continue to serve the City.

6. **MATTERS FROM ASSISTANT CITY ATTORNEY LIONEL RUBIO:** None

7. **MATTERS FROM CITY MANAGER HOLLIS HOLDEN:**

A. **Financial Statement for April 2003**

Stated that the City remains in good financial condition and he or the Finance Director is available to answer any questions.

**Crown Point Springs Retention Pond**

Advised that this retention pond has been neglected for many years now and the transfer of ownership was never made from the developer (Bradford) to the homeowners association and was not signed off by the St. Johns River Water Management District who became involved because of non-compliance with their standards. Since the pond was developed in 1988 it has grown large willow trees that are affecting the underdrains. The pond needs to be converted and at his request all the parties, including Bradford's attorney because Mr. Bradford was on vacation, met to try to figure out a jointly beneficial solution. Mr. Holden stated that he has proposed that an agreement be written that will change the pond to a wet-retention pond, which could cost up to approximately \$100,000. Also, the City would obtain bids and front the funding of the project with zero percent interest if paid within a specific amount of time by both Bradford Development and the homeowners' association at one-third of the cost each. He anticipates that the agreement will be ready for the City Commission's approval in about two months. It was

the consensus of the Commission for the City Manager to move forward with negotiating a proposed tri-party agreement under the terms proposed.

· **Orange County School Board**

Mr. Holden stated that he will be meeting with the School Board in the morning to discuss the terms of the repayment of the driveway the city is having installed for the new Dillard Street Elementary School.

8. **MATTERS FROM MAYOR PRO-TEM AND COMMISSIONERS:**

**Commissioner Graham:**

- Has suggested to the City Manager and the Centennial Coordinator that Ms. Pauline Dees be the Grand Marshall for the parade because she is the daughter of the man who started the City.
- Invited everyone to attend the Memorial Services at Veterans Park on Monday at 8:30 a.m.

The meeting was adjourned at 7:13 p.m.