



# CITY OF WINTER GARDEN

## OFFICE OF THE CITY CLERK

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### REGULAR MEETING MINUTES CITY COMMISSION April 27, 2006

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Quesinberry at 6:30 p.m. at Tanner Hall, 29 W. Garden Avenue, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

**Present:** Mayor Jack Quesinberry, Commissioners Theo Graham, and Mildred Dixon

**Absent:** Commissioners Carol Nichols and Rod Reynolds

**Also Present:** City Manager Mike Bollhoefer, City Clerk Kathy Golden, Interim City Attorney Cliff Shepard, Assistant City Manager Marshall Robertson, City Planner Mark Cechman, Human Resources Director Frank Gilbert, Utilities Director Fernand Tiblier, Police Chief George Brennan, Information Technology Director Bob Reilly, Finance Director Brian Strobeck, Trailer City Manager Johnny Clark, Public Works Director Bob Smith, Deputy Fire Chief Tom Berrios, Recreation Director Jay Conn, Assistant City Engineer Mike Kelley, Economic Development Director Shelly Weidenhamer, Assistant City Clerk Angee Grimmage, West Orange Times reporter Michael Laval, and Orlando Sentinel reporter Sandra Mathers

1. **APPROVAL OF MINUTES** Regular meeting minutes of April 18, 2006 were postponed.
2. **OATH OF OFFICE** City Clerk Golden administered the oath of office to the elected City Commissioner of District 1 and Mayor/Commissioner of District 5.
3. **PRESENTATIONS**

A. **Annual Drop Savers Contest award winners**

Mayor Quesinberry and Water Conservationist Dennis Jones presented awards to the following winners:

<u>Calvary Christian School</u>	4 <sup>th</sup> Grade Isabella Sanchez and 3 <sup>rd</sup> Grade Jazmyne Johnson
<u>Dillard Elementary</u>	4 <sup>th</sup> Grade Shelby Mcwhorter and 3 <sup>rd</sup> Grade Stephany Shiwnarain
<u>Foundation Academy</u>	4 <sup>th</sup> Grade Landon Fernandez and 3 <sup>rd</sup> Grade Adalan Collins
<u>Whispering Oaks Elementary</u>	4 <sup>th</sup> Grade Sara Day and 3 <sup>rd</sup> Grade Devendra Sukhram
<u>Maxey Elementary</u>	3 <sup>rd</sup> Grade Abby Linde
<u>Hope Charter School</u>	4 <sup>th</sup> Grade Luis Ramirez and 3 <sup>rd</sup> Grade Chase Price

Public Works Director Smith came forward and stated that the following three presentations are all related to the pollutant load that the City of Winter Garden is contributing to Lake Apopka. He introduced the presenters as Kathy Harrigan with Science Applications International under contract with the Florida Department of Environmental Protection (DEP) to present the legislative reasons the City has to do something in this regard. Then David Hamstra with PEC will share what is proposed for Dr. Bradford Park and then there will be a presentation by Ted Fylstra with Angee Brewer & Associates on how it can be paid for.

**B. State Department of Environment Protection on Upper Ocklawaha River Basin**

Ms. Harrigan explained the tributary system that ultimately flows to the St. Johns River. The water bodies are impaired and cannot sustain their designated use for recreation and fisheries. She explained the “stand alone” report provided to the Commission and that Lake Apopka is addressed separately as it is the headwaters for one whole piece. Once the document is adopted by DEP, progress will need to be monitored as addressed in chapter four. Page 17 includes a table showing Winter Garden on the shores with a direct contribution to Lake Apopka. This lake was close to 140,000 pounds of total phosphorus and it needs to get down to 35,000 pounds in any given year. Winter Garden’s part is referenced on page 43 and is based upon information provided by City staff about the related efforts. Page 82 is a table that shows where all the pollutant loads comes from. Mayor Quesinberry pointed out that the muck farms were discharging 117,000 pounds and now it is at a minus. Commissioner Graham addressed the fact that Lake Tilden and Black Lake were not mentioned in the report but they drain into Johns Lake that drains into Lake Apopka, when there is a lot of rain. Ms. Harrigan replied that the initial load was set during a dry period when John’s Lake was not discharging into Lake Apopka and therefore they did not consider them. These two lakes need to be included as part of the monitoring process mentioned. Commissioner Graham stated that more money is needed for restoring Lake Apopka in order to save money downstream. Commissioner Dixon stated her hopes that one day Lake Apopka will again be a thriving lake for all to use. Ms. Harrigan announced that a public meeting will be held at Lake Sumter Community College on May 18<sup>th</sup> from 6 to 8 p.m. that will allow the public to see the document and make comments.

**C. Dr. Bradford Memorial Park regional stormwater retrofit**

David Hamstra with PEC addressed a specific project to help clean up Lake Apopka and displayed three maps showing the existing downtown drainage basin consisting of a 550-acre watershed discharging untreated water through the memorial park into Lake Apopka. The basin has seven inflow pipes into the system. The proposed plan is to convert the whole area into a large wet lake, discontinue the use of the canal and berm around it, and expand the water body by doubling or tripling its size. Also, an elevated boardwalk would be constructed around the entire perimeter, with some of the park features being relocated, fountains added, and a chemical treatment system to remove pollutants before the water body discharges to Lake Apopka. The proposed project has been submitted to DEP and if they deem it a viable project, they have what is called a non-point source grant application that would be funded at 50 percent. The approximate cost is \$2.5 million and there has been a favorable response from DEP that they would pay at least \$1 million towards the project. Mayor Quesinberry asked about parking. Mr. Hamstra stated that they are looking at alternatives. City Manager Bollhoefer added that staff is

also looking at a separate grant that will potentially pay 50 percent of the price to purchase property between Newton Park and Bradford Park for additional parking and increased park area.

**D. State Revolving Fund loan for stormwater projects**

Ted Fylstra with Angee Brewer & Associates stated that they propose the City obtain a State Revolving Fund administered by the DEP that provides low cost loans for wastewater, stormwater, and drinking water projects. If the project can be planned, designed, and bid by January 2007, the interest rate will stay at 2.37% or it may go up or down depending on the interest rates if that date cannot be met. The funds from this loan can be used as matching grant money and there are other funds available for park amenities through the Florida Recreation Development Assistance Program, which is a 50/50 matching program.

**Motion by Commissioner Graham to direct staff to: continue to support the Upper Ocklawaha River Basin Management Plan creation and adoption; continue with the Bradford Park stormwater retrofit design; continue to pursue the FDEP and other grants; to pursue the SRF loan, and to come back to the City Commission with a formal report after all has been finalized. Seconded by Commissioner Dixon and carried unanimously 4-0.**

**4. REGULAR BUSINESS**

**A. Request for donation by Autism & Related Disabilities Gym Program, Inc.**

JoAnne Houwers stated that they are conducting their second annual fundraiser golf tournament on May 12<sup>th</sup> and since the City made a donation last year, they are again requesting a donation. **Motion by Commissioner Graham to approve donating \$500. Seconded by Commissioner Jowers and carried unanimously 4-0.**

**B. Recommendation to approve Stormwater Drainage Easement for Winter Garden Business Park**

Public Works Director Smith stated this easement will allow the developer to solve the problem with the vegetation growing that actually originates in the road and therefore needs to be in the City's name. The developer will pay for fixing it but for an easement for the water and future drainage coming from 535, the City will have the right to the easement. **Motion by Commissioner Jowers to authorize the Mayor and City Clerk to execute the drainage easement as recommended by staff. Seconded by Commissioner Graham and carried unanimously 4-0.**

**C. Recommendation to authorize negotiations for a continuing service contract with HDR, Inc. and DRMP transportation consultants**

City Planner Cechman stated that as City projects become more complex with regard to transportation, staff feels it is in the City's best interest to secure professionals to look at projects and impact fees. Staff has reviewed five firms, recommends HDR, Inc. and DRMP as transportation consultants, and would like approval to negotiate their contracts. **Motion by Commissioner Graham to authorize negotiating contracts with HDR, Inc. and DRMP as recommended by staff. Seconded by Commissioner Jowers and carried unanimously 4-0.** Commissioner Graham asked for a copy of all traffic counts performed.

**5. MATTERS FROM CITIZENS**

Tina Aldrich, 141 W. Plant Street, Winter Garden, Florida reported on how well the West Orange High School Theatre did at their state competition by winning six out of nine superiors, which is the highest score possible. The large musical group took a special state award and allowed them to open a state festival. She thanked the Commission for their monetary contribution and invited everyone to attend "Seussical the Musical" to be held May 3-7, 2006.

Barbara Pennington, 421 Timbercreek Drive North, Winter Garden, Florida congratulated Mayor Quesinberry and Commissioner Jowers on winning their election. She challenged the City Commission to rescind the \$10,000 discretionary funds (*for Town Hall meetings*) previously awarded to each Commissioner. She does not feel it is appropriate at this time. The quarterly newsletter is very informative and as previously pointed out by Commissioner Graham, each Commission meeting is a town hall meeting because any citizen can speak.

**Commissioner Town Hall meeting funds**

Commissioner Dixon responded that she would not give up her funds as she intends to use some of it, and other Commissioners have already used some of their funds so she intends to use hers.

Commissioner Jowers stated that he has not had a chance to review the discretionary funds awarded to each Commissioner, therefore he is not prepared to vote on the issue tonight.

Commissioner Graham stated that he has not used his funds and is not intending to use them. He thinks the City Manager has a better plan for using the money and he can use his funds. If the City Manager doesn't use them, they can go back into the general fund.

Mayor Quesinberry stated he doesn't think there are any funds available for him to use since he voted against it in the first place.

Beverly Brett, 217 S. Boyd Street, Winter Garden, Florida asked about the wastewater runoff from new developments such as the one going next to Lake Apopka. City Manager Bollhoefer stated that all new developments are meeting the strict regulations. The issue discussed previously relates to older developments not built under the newer regulations. Ms. Brett asked if there would be any eminent domain on the proposed project. Mr. Bollhoefer replied no.

**6. MATTERS FROM CITY ATTORNEY - None.**

**7. MATTERS FROM CITY MANAGER**

A. Distributed Financial Statement for March 2006

**City Attorney Status**

Mr. Bollhoefer distributed a letter from the prior attorney, Gerry Clark, expressing an interest in returning to his position. Prior City Attorney Kurt Ardaman has also expressed an interest in returning as an outside contracted attorney while the City retains Winderweedle, Haines, Ward, & Woodman as special counsel. Another option for an in-house attorney would be to return to the prior recruitment list or begin a new recruitment. Commissioner Graham stated that he was thrilled to read the letter from Mr. Clark and Mr. Clark remains his top choice.

**Motion by Commissioner Graham to invite Gerry Clark back as the City Attorney for**

**Winter Garden.** Mayor Quesinberry stated that he has spoken with Mr. Clark who seems sincere about returning as the staff attorney. **Mayor Quesinberry seconded the motion.** Commissioner Jowers stated that he does not know Mr. Clark but as an employer, when he hires someone he expects them to stand up and fight for what he thinks is right and not backup, back down, or run. He feels that if he runs once, he may do it again. Since he did not participate in the first selection process, he is willing to go with the pleasure of the Commission. Mayor Quesinberry stated that he doesn't think that is Mr. Clark's reputation and that he still supports having an in-house attorney. **Motion carried unanimously 4-0.**

#### Church of Christ Agreement

Assistant City Manager Robertson stated that in 2003 while acquiring right-of-way for widening Daniels Road, it was determined that a retention pond would be needed. Our engineer advised that the driveway for the Church of Christ needed to be realigned and the City agreed to fill in one of the ponds, move the entrance road, and add onto the City's pond. The church has since decided that they want to build a bigger building and hired an architect. The pipe in the roadway falls where they want to put buildings. At the church's expense, they hired the City Engineer to redesign it to accommodate the church's new building and accomplish the same end result. Mr. Robertson stated that he has negotiated with the Church of Christ that if the cost exceeds the originally agreed amount, the church would pay the difference. The change order resulted in an additional \$80,000 and included in the agreement is that the church will pay that additional amount. City Manager Bollhoefer added that the church wants the City to pay the \$80,000 and they will pay it back when the City makes the final payment. Included in the agreement, is a provision that non-payment will result in a lien being filed against the church.

**Motion by Commissioner Graham to approve the agreement with the Church of Christ as recommended. Seconded by Commissioner Dixon and carried unanimously 4-0.**

**Motion by Commissioner Graham to approve the change order for \$80,000 as recommended. Seconded by Commissioner Dixon and carried unanimously 4-0.**

#### Town Hall meetings

Mr. Bollhoefer stated that initially the meeting parameters were not established and he agrees that Town Hall meetings are beneficial but suggested that they be incorporated with regular City Commission meetings. For example, the Town Hall meeting could be scheduled to start at 5:30 p.m. with staff being available for an hour and the regular Commission meeting could be held. To take the meetings to the citizenry within their respective districts, two Commission meetings could be relocated to possibly Whispering Oaks Elementary School, one at Maxey Center, and the remainder at Tanner Hall. Staff could notice the meetings in utility bills to reduce the notification costs and that would allow all the Commissioners to participate and hear from all the districts. Commissioner Dixon emphasized that citizens can utilize the Citizens Action Center and get help prior to addressing the City Commission. She thinks Town Hall meetings are wonderful and if incorporated with regular meetings it should replace the agenda section for public comments.

**8. MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Dixon**

Encouraged everyone to get out and find funding sources and submit a list of City projects before it is all gone. There is a state coalition for affordable housing and the City should join by paying their dues, which would make the City eligible for funds. They meet every four months throughout the state and Winter Garden needs to be part of that. Included are some historical funding opportunities.

Expressed her concern with young children (5 to 6 years old) having a place to go this summer and the funds needed to support programs for them at the Maxey Center. Mayor Quesinberry advised the Recreation Director that he could assist her with her concerns.

**Commissioner Graham**

Congratulated Jerry Carris and Bart Patria for their work on the County Fair exhibit of the City of Winter Garden that he visited and both did a good job on it.

Announced that next Thursday, the Florida Department of Transportation will be conducting a meeting in Oakland regarding SR 50. Mr. Bollhoefer advised that staff will be in attendance.

**Commissioner Jowers**

Stated that he is glad to be back and hopes and believes it will be a good two years. He thanked his constituency for electing him and he will do his best to serve them.

**Mayor Quesinberry**

Thanked the citizens for the opportunity to serve once again as the Mayor.

The meeting adjourned at 8:11 p.m.