

***** AMENDED *****
CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue

REGULAR MEETING

February 8, 2007

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Charter Review Workshop January 18, 2007 and Regular Meeting January 25, 2007

2. FIRST READING AND PUBLIC HEARING OF PROPOSES ORDINANCES

A. **Ordinance 07-03:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 06-43, THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for February 22, 2007** – Finance Director Strobeck

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

A. **Ordinance 06-55:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 06-06 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING ADEQUATE DESCRIPTION AND BOUNDARIES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE - City Manager Bollhoefer

4. REGULAR BUSINESS

- A. Application for open-air sale of flowers February 13 and 14, 2007 by the Publix parking lot on State Road 50 (Ronnie Brassell) – Planning Director Williams
- B. Recommendation to approve a right-of-way maintenance agreement and development agreement for The Oaks at Brandy Lake - Planning Director Williams
- C. Recommendation to approve a development agreement for The Oaks at Brandy Lake Subdivision – Planning Director Williams
- D. Recommendation to approve Change Order #1 to the Engineering Services Agreement with GAI Consultants for a lump sum amount of \$9,850.00 for the design of West Newell Street and North Lakeview improvements – Public Services Director Cochran
- E. Recommendation to authorize staff to negotiate the sale of 848 E Plant St with R. C. Stephens – City Manager Bollhoefer
- F. *Recommendation to approve a standard agreement for police patrol services within gated communities – City Manager Bollhoefer

5. MATTERS FROM CITIZENS

6. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman
7. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer
 - A. St. Johns River Water Management District Alternative Water Supply Projects – Public Services Director Cochran
 - B. Presentation on Trunkline “C” Phase 3 – Asst. City Manager Robertson
8. **MATTERS FROM MAYOR AND COMMISSIONERS**
9. **ADJOURN** to a regular meeting February 22, 2007 at 6:30 p.m. in Tanner Hall

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE 07-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE 06-43, THE CITY OF WINTER GARDEN FISCAL YEAR 2006-2007 BUDGET TO CARRY FORWARD PRIOR YEAR APPROPRIATIONS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on September 28, 2006, the City Commission of the City of Winter Garden, Florida, adopted Ordinance 06-43 appropriating and allocating all revenue and funds of the City of Winter Garden, Florida for the tax year beginning October 1, 2006 and ending September 30, 2007;

WHEREAS, the City Commission has decided to amend the City of Winter Garden, Florida Budget for the tax year beginning October 1, 2006 and ending September 30, 2007 to provide for budget carryovers from the preceding budget year;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: That the sum of \$17,050,294 to be appropriated as follows:

REVENUES

General Fund	\$ 993,929
Local Option Gas Tax Fund	200,355
General Impact Fee Fund	1,935,723
New City Hall Fund	12,802,758
Utilities Operating Fund	39,896
Utilities Impact Fee Fund	509,238
Utilities Renewal & Replacement	178,579
Stormwater Fund	<u>389,816</u>
	\$17,050,294

EXPENSES

General Fund	\$ 993,929
Local Option Gas Tax Fund	200,355
General Impact Fee Fund	1,935,723
New City Hall Fund	12,802,758
Utilities Operating Fund	39,896
Utilities Impact Fee Fund	509,238
Utilities Renewal & Replacement	178,579
Stormwater Fund	<u>389,816</u>
	\$17,050,294

SECTION 2: Detail for the aforementioned totals is attached as Exhibit 1, which shall be incorporated in the Ordinance. Should any portion of this Ordinance be held invalid, then such portions as are not declared to be invalid shall remain in full force and effect.

SECTION 3: This Ordinance shall become effective upon its adoption at the second reading and public hearing.

READ FIRST TIME: _____

READ SECOND TIME AND PUBLIC HEARING HELD: _____

APPROVED:

Mayor/Commissioner Jack Quesinberry

ATTEST:

Kathy Golden, City Clerk

**City of Winter Garden
Carry Forward Budget
Ordinance 07-03**

Exhibit 1

<u>Account Number</u>	<u>Project</u>	<u>Account Description</u>	<u>Amount</u>	Item Description
<u>General Fund</u>				
001-0213-381.99-99		Use of Fund Balance	993,929	
		Total Revenues	993,929	
Finance-Fiscal Management:				
001-0222-513.64-00		Machinery and Equipment	3,200	Procurement Card Application (001-0213)
Finance-Utility Billing:				
001-0223-513.64-00		Machinery and Equipment	8,910	Utility Interactive Voice Response System
Building:				
001-0324-524.64-00		Machinery and Equipment	42,991	Vehicles for new inspectors and misc equip
Police:				
001-0521-521.52-01		Miscellaneous Operating Supplies	39,521	Striping and Equipping New Vehicles (Interim)
001-0521-521.64-00		Machinery and Equipment	413,397	Records Management System and Equipment for New Vehicles
Fire:				
001-0622-522.64-00		Machinery and Equipment	300,359	Ferrara Fire Engine
001-0622-522.64-00		Machinery and Equipment	8,900	No Smoke System for E-23
Parks and Recreation-Parks:				
001-0775-572.62-00	06005	Building	19,002	(a) Parks Equipment Complex
001-0775-572.62-00	06006	Building	41,459	(a) Maple Street Park Restrooms
001-0775-572.62-00	06007	Building	84,670	(a) Klondike Park Restrooms
001-0775-572.63-00	06012	Improvements Other Than Buildings	12,000	(a) Klondike Park Lighting
Engineering:				
001-1016-541.31-04		Engineering Services	19,520	PEC for New Construction Specifications
		Total Expenditures	993,929	
<u>Local Option Gas Tax Fund</u>				
160-0741-381.99-99		Use of Fund Balance	200,355	
		Total Revenues	200,355	
160-0741-541.63-00	02037	Improvements Other Than Buildings	26,355	Division Street-Dillard to Lakeview (Design)
160-0741-541.63-00	05048	Improvements Other Than Buildings	174,000	West Newell - Highland to North Boyd
		Total Expenditures	200,355	

(a) Requested carryovers exceed the remaining unexpended fiscal 2006 Parks Division General Fund budget by \$78,743

**City of Winter Garden
Carry Forward Budget
Ordinance 07-03**

Exhibit 1

<u>Account Number</u>	<u>Project</u>	<u>Account Description</u>	<u>Amount</u>	Item Description
<u>General Impact Fee Fund</u>				
170-0021-389.99-99		Use of Fund Balance-Police	49,667	
170-0072-389.99-99		Use of Fund Balance-Recreation	500,000	
170-0741-389.99-99		Use of Fund Balance-Streets	1,386,056	
		Total Revenues	1,935,723	
Police:				
170-0021-521.64-00		Machinery and Equipment	127,203	Vehicles & related equipment (from interim)
170-0021-590.90-00		Carryforward Fund Balance-Police	(77,536)	
Recreation:				
170-0072-572.62-00	05045	Building	250,000	Senior Center/637 Vineland Road
170-0072-572.63-00	05045	Improvements Other Than Buildings	250,000	Senior Center/637 Vineland Road
Streets:				
170-0741-541.61-00	02062	Land	200,633	(b) Daniels Road North Right-of-Way
170-0741-541.61-00	04010	Land	164,200	(b) Story Road - Ninth Street Right-of-Way
170-0741-541.63-00	02022	Improvements Other Than Buildings	502,023	(b) Story Road - Ninth Street Intersection
170-0741-541.63-00	05047	Improvements Other Than Buildings	421,700	(b) Plant St/W Crown Point Intersection
170-0741-541.63-00	05072	Improvements Other Than Buildings	97,500	(b) Plant St/Story Road Turn Lane/Signal
		Total Expenditures	1,935,723	
<u>New City Hall Fund</u>				
333-0213-389.99-99		Use of Fund Balance	12,802,758	
		Total Revenues	12,802,758	
333-0213-513.51-00		Office Supplies	100,000	Office Supplies for New City Hall
333-0213-513.52-01		Miscellaneous Operating Supplies	100,000	Misc Operating Supplies for New City Hall
333-0213-513.61-00		Land	22,534	Land for New City Hall
333-0213-513.62-00		Building	11,283,927	Design and Construction of New City Hall
333-0213-513.64-00		Machinery and Equipment	1,296,297	Machinery and Equipment for New City Hall
		Total Expenditures	12,802,758	
<u>Utilities Operating Fund</u>				
410-2116-389.99-99		Use of Fund Balance	39,896	
		Total Revenues	39,896	
410-2126-533.31-04		Engineering Services	19,948	Hydraulic Modeling
410-2127-535.31-04		Engineering Services	19,948	Hydraulic Modeling
		Total Expenses	39,896	

(b) Requested carryovers exceed the remaining unexpended fiscal 2006 Streets Division Impact Fee-North of Turnpike budget by \$1,386,056; however, fiscal 2006 Streets Division Impact Fee-North of Turnpike revenues exceeded budgeted revenues by \$9,606,676

**City of Winter Garden
Carry Forward Budget
Ordinance 07-03**

Exhibit 1

<u>Account Number</u>	<u>Project</u>	<u>Account Description</u>	<u>Amount</u>	Item Description
<u>Utilities Impact Fee Fund</u>				
411-2116-389.99-17		Use of Fund Balance	509,238	
		Total Revenues	509,238	
411-2116-533.63-00	06025	Improvements Other Than Buildings	16,973	High Service Pump #4
411-2116-590.90-00		Carryforward Fund Balance	(159,159)	
411-2117-590.90-00		Carryforward Fund Balance	(1,017,791)	
411-2126-533.63-00	05048	Improvements Other Than Buildings	85,400	West Newell - Highland to North Boyd
411-2126-533.63-00	05049	Improvements Other Than Buildings	47,186	Highland/Lakeview - Henderson to Newell
411-2126-533.63-00	06015	Improvements Other Than Buildings	9,600	Newell St - Boyd to Dillard
411-2127-535.63-00	02022	Improvements Other Than Buildings	20,000	Story Road/9th Street Intersection
411-2127-535.63-00	03013	Improvements Other Than Buildings	665,554	Trunk Line C - Phases 1 and 2
411-2127-535.63-00	05048	Improvements Other Than Buildings	26,926	West Newell - Highland to North Boyd
411-2127-535.63-00	05076	Improvements Other Than Buildings	239,989	Reclaim Transmission Lines-Crest to LDC
411-2127-535.63-00	06029	Improvements Other Than Buildings	574,560	Dreyfus Force Main Retrofits
		Total Expenses	509,238	
<u>Utilities Renewal & Replacement Fund</u>				
412-2116-389.99-99		Use of Fund Balance	178,579	
		Total Revenues	178,579	
412-2126-533.63-00	02037	Improvements Other Than Buildings	12,885	Division Street-Dillard to Lakeview
412-2127-535.63-00	02037	Improvements Other Than Buildings	18,575	Division Street-Dillard to Lakeview
412-2127-535.63-00	03013	Improvements Other Than Buildings	87,619	Trunk Line C - Phases 1 and 2
412-2127-535.63-00	05048	Improvements Other Than Buildings	59,500	West Newell - Highland to North Boyd
		Total Expenses	178,579	
<u>Stormwater Fund</u>				
420-2168-389.99-99		Use of Fund Balance	389,816	
		Total Revenues	389,816	
420-2618-538.63-00	02037	Improvements Other Than Buildings	10,724	Division Street-Dillard to Lakeview (Design)
420-2618-538.63-00	03013	Improvements Other Than Buildings	41,492	Trunk Line C - Phases 1 and 2
420-2618-538.63-00	05025	Improvements Other Than Buildings	89,000	Stormwater Master Plan
420-2618-538.63-00	05048	Improvements Other Than Buildings	155,400	W Newell St - Highland to Boyd
420-2618-538.63-00	05049	Improvements Other Than Buildings	64,200	Highland/Lakeview - Henderson to Newell
420-2618-538.64-00		Machinery and Equipment	29,000	Portable Vacuum
		Total Expenses	389,816	
		Grand Total	17,050,294	

ORDINANCE NO. 06-55

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ORDINANCE NUMBER 06-06 OF THE CODE OF ORDINANCES, CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE ESTABLISHMENT OF THE WINTER GARDEN VILLAGE AT FOWLER GROVES COMMUNITY DEVELOPMENT DISTRICT; PROVIDING ADEQUATE DESCRIPTION AND BOUNDARIES; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission for the City of Winter Garden, Florida (the “City Commission”) adopted Ordinance number 06-06 and established the Winter Garden Village at Fowler Groves Community Development District (the “District”); and

WHEREAS, the City Commission finds and determines that due to scrivener’s error in the original, it is necessary for the legal description depicting the external boundaries of the District and incorporated in Exhibit “B” of Ordinance Number 06-06 shall be replaced with a new legal description; and

WHEREAS, the new legal description is consistent with the policies and objective of the creation of Ordinance 06-06; and

WHEREAS, after review by the City Staff, the City Commission of the City of Winter Garden hereby finds and declares the adoption of this ordinance is appropriate; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1. The foregoing findings, which are expressly set forth herein, are hereby adopted and made a part hereof.

SECTION 2. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 3. The City of Winter Garden hereby strikes Exhibit “B” of Ordinance Number 06-06 in its entirety and replaces it with the description attached hereto as Exhibit “B”.

SECTION 4. All other restrictions, conditions, and matters in Ordinance 06-06 remain valid.

SECTION 5. This Ordinance shall become effective ten (10) days after its adoption.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

FIRST READING: _____ December 14 _____, 2006.

SECOND READING AND PUBLIC HEARING: _____, 2007.

APPROVED:

JACK QUESINBERRY, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk