



CITY OF WINTER GARDEN

CITY COMMISSION SPECIAL MEETING MINUTES

June 4, 2009

A **SPECIAL MEETING** of the Winter Garden City Commission was called to order by Mayor Pro Tem Jowers 6:00 p.m. at City Hall Commission Chambers, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees (*arrived at 6:06 p.m.*), Commissioners Harold L. Boulter, Bob Buchanan, H. Gerald Jowers and Colin Sharman

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, City Clerk Kathy Golden

1. RECOMMENDATION TO APPROVE AND AUTHORIZE ENTERING INTO AN AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR ROADWAY IMPROVEMENTS TO STATE ROAD 50 AND TWO SUBORDINATION AGREEMENTS FOR AREAS IN FRONT OF THE WEST POINT COMMONS SHOPPING CENTER (PUBLIX)

City Manager Bollhoefer explained that the Florida Department of Transportation (FDOT) previously added language to the agreement that they could remove City installed improvements whenever they wanted to. At the Commission's direction at the May 28, 2009 meeting, he has since been negotiating with them. He has provided the Commission with a highlighted copy of the proposed changes to Exhibit "D". The significant change is in paragraph 3 that has added criteria "(such as safety, mobility, etc.)". FDOT has conveyed to him that this clause is a standard clause they put in every city contract whenever they do roadway enhancements because of potential safety or other issues; they want to ensure that they have the right to make any necessary changes. He believes it is extremely unlikely that this would ever take place. The City Attorney's office added paragraph 6 to Exhibit "D" (*see attached*) that provides a method for the City to terminate long-term maintenance of the improvements. He recommends approval because the enhancements are very important, will benefit the City, will create redevelopment opportunities, and this is our one chance.

Commissioner Buchanan asked if FDOT agreed to adding paragraph 6.

Mr. Langley replied yes, but they did change the termination provision by adding that FDOT has the option to reject the City's right to terminate.

Mayor Rees asked what the chances are, with what money the City is putting up, of the FDOT removing and changing the entire road.

Mr. Bollhoefer stated that probably is very unlikely. They have not exercised this right in the past, but they want to make sure it is included.

Commissioner Sharman stated that he has heard from residents that they want improvements, so he thinks the City has to do it.

Mr. Bollhoefer shared that at the State Road 50 Committee meeting last night, the proposed enhancements were shared with them and they all approved of the plan.

Commissioner Jowers stated he has no problem with the plan because something has to be done and there is but this one chance. He doesn't like the language, but he wants to move forward and try it.

Motion by Commissioner Jowers to approve the locally funded agreement between the State of Florida Department of Transportation and the City of Winter Garden, and the two related subordination agreements. Seconded by Commissioner Buchanan and carried unanimously 5-0.

The meeting adjourned at 6:13 p.m.

APPROVED:

_____/S/_____
MAYOR JOHN REES

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC