



**CITY COMMISSION AGENDA  
CITY HALL COMMISSION CHAMBERS  
300 W. Plant Street**

**SEPTEMBER 9, 2009, 6:30 P.M.**

**BUDGET HEARINGS**

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**CALL TO ORDER**

Determination of a Quorum

Invocation and Pledge of Allegiance

1. **FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2009-2010** – City Manager Bollhoefer and Finance Director Hayes
  - A. **Ordinance 09-55**: AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010 with the **Second Reading and Public Hearing on September 21, 2009**
  - B. **Ordinance 09-56**: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010 with the **Second Reading and Public Hearing on September 21, 2009**
  - C. **Ordinance 09-57**: AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010 with the **Second Reading and Public Hearing on September 21, 2009**
  - D. **Ordinance 09-58**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2009-2010 IN ACCORDANCE WITH ARTICLE 3 SECTION 30.4 OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY with the **Second Reading and Public Hearing on September 21, 2009**

**REGULAR CITY COMMISSION MEETING**

2. **APPROVAL OF MINUTES**  
Signage and Budget Workshop of August 24, 2009 and Regular Meeting of August 27, 2009
3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**
  - A. **Ordinance 09-25**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE II OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING PEDDLERS, SOLICITORS, AND ITINERANT VENDORS; REVISING AND CLARIFYING THE DEFINITIONS OF OPEN AIR VENDORS AND PEDDLERS; PROVIDING FOR CODIFICATION; ADDING DEFINITIONS FOR CHIEF OF POLICE, CITY MANAGER, ITINERANT AND STATIONARY MOBILE FOOD VENDORS AND SEASONAL VENDORS; REVISING AND ADDING CRITERIA FOR OBTAINING AN OPEN AIR VENDOR PERMIT; PROVIDING FOR ZONING AND OTHER RESTRICTIONS UPON MOBILE FOOD VENDORS; PROVIDING FOR ZONING AND OTHER RESTRICTIONS UPON SEASONAL VENDORS; PROVIDING FOR EXPIRATION, AMENDMENT, AND RENEWAL OF OPEN AIR VENDOR PERMITS; REQUIRING OPEN AIR VENDORS TO WEAR APPROPRIATE ATTIRE; PROVIDING FOR EXCEPTIONS TO OBTAINING OPEN AIR VENDOR PERMITS; PROVIDING FOR WAIVER OF OPEN AIR VENDOR PERMIT REQUIREMENTS FOR CHARITABLE ORGANIZATIONS; REVISING APPLICATION REQUIREMENTS FOR SOLICITORS AND PEDDLERS; PROVIDING FOR THE ISSUANCE OF OPEN AIR EVENT PERMITS FOR OPEN AIR VENDORS AS WELL AS AMENDMENTS THERETO; CLARIFYING ORDINANCE TO REFLECT THAT ONLY

COMMERCIAL PEDDLERS, SOLICITORS, AND AGENTS MUST OBTAIN A SOLICITORS' PERMIT; PROVIDING FOR GENDER NEUTRAL LANGUAGE AND GRAMMATICAL REVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL IN EVENT OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

**Request postponement of the public hearing until September 21, 2009 to comply with advertising requirements – Community Development Director Wilson**

4. **REGULAR BUSINESS**

- A. **Resolution 09-13**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING POLICIES AND PROCEDURES FOR THE PROCUREMENT OF PRODUCTS AND SERVICES FOR THE CITY OF WINTER GARDEN, FLORIDA AND PROVIDING FOR AN EFFECTIVE DATE (*postponed from 8/27/09*) - Finance Director Hayes
- B. **Resolution 09-14**: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE SUPPLEMENTAL DISCRETIONARY TIGER GRANT APPLICATION TO UNITED STATES DEPARTMENT OF TRANSPORTATION FOR A ROADWAY PROJECT; THE WIDENING OF COUNTY ROAD 545 FROM TWO (2) LANES TO FOUR (4) LANES, FROM 1,500 FEET WEST OF TILDEN ROAD TO 2,000 FEET NORTH OF MARSH ROAD/STONEBROOK PARKWAY– Public Services Director Cochran
- C. Recommendation to approve bids for the Phase II Reclaimed Water Storage and Pumping Station and award the contract to Beach Construction, with a bid of \$2,027,000 including a 10% contingency for a total project amount of \$2,229,700 - Public Services Director Cochran
- D. Recommendation to approve entering into an agreement with Orange County School Board to continue the School Resource Officer Program – Police Chief Brennan

5. **MATTERS FROM CITIZENS** (*Limited to 3 minutes per speaker*)

6. **MATTERS FROM CITY ATTORNEY** – Kurt Ardaman

7. **MATTERS FROM CITY MANAGER** – Mike Bollhoefer

- A. Update on calculations for Westside Townhomes road improvements

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**ADJOURN** to a joint workshop with the Architectural Review and Historical Preservation Board on September 17, 2009 at 6:00 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor

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.

Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained at the meeting from the Information Technology Director.

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, 300 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

**ORDINANCE 09-55**

**AN ORDINANCE LEVYING TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010**

**WHEREAS**, in order to provide the revenue necessary for the operation of the City for its Fiscal Year beginning October 1, 2009 and ending September 30, 2010, the City Commission of the City of Winter Garden has determined the rate of ad valorem tax levy that must be assessed for the year 2009; and

**WHEREAS**, the provisions of Chapter 200 of the Florida Statutes prescribing the method of fixing millage has been complied with.

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

**SECTION 1:** The City Commission of the City of Winter Garden hereby adopts, establishes and levies a millage rate for ad valorem taxation of real and tangible personal property within the City of Winter Garden for the Fiscal Year beginning October 1, 2009 and ending on September 30, 2010, at the rate of 3.8546 mills (\$3.8546 for every \$1,000 of assessed valuation) upon the assessed valuation of property within the corporate limits of the City of Winter Garden, Florida. This millage rate is equal to the rolled back rate of 3.8546 mills.

**SECTION 2:** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

\_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

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APPROVED:

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Mayor/Commissioner John Rees

ATTEST:

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Kathy Golden, City Clerk

**ORDINANCE 09-56**

**AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010**

**WHEREAS**, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements of the municipal government of said City for the Tax Collection Year which begins October 1, 2009 and which ends on September 30, 2010 is the sum of \$24,231,799; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said City is necessary to be made in the total amount of 3.8546 mills (\$3.8546 for every \$1,000 of assessed valuation) to be allocated to the General Fund; and

**WHEREAS**, it is anticipated that there will be available for use and disbursement from the general funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$ 8,946,662
Revenue other than Ad Valorem	<u>15,285,137</u>
TOTAL REVENUES	\$24,231,799

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

**SECTION 1:** That the sum of \$24,231,799 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the General Fund of said City.

**SECTION 2:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

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**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

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APPROVED:

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Mayor/Commissioner John Rees

ATTEST:

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Kathy Golden, City Clerk

**ORDINANCE 09-57**

**AN ORDINANCE APPROPRIATING AND ALLOCATING ALL REVENUE AND FUNDS OF THE COMMUNITY REDEVELOPMENT AGENCY (CRA) OF THE CITY OF WINTER GARDEN, FLORIDA, FOR THE TAX YEAR BEGINNING ON OCTOBER 1, 2009 AND ENDING ON SEPTEMBER 30, 2010**

**WHEREAS**, the amount necessary as determined by the City Commission of the City of Winter Garden, Florida to defray the actual operating requirements and appropriations to Fund Balance of the CRA of said City for the Tax Collection Year which begins October 1, 2009 and which ends on September 30, 2010 is the sum of \$766,339; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1991 taxable value of \$23,063,944 is necessary to be allocated to the CRA for Area I; and

**WHEREAS**, tax levy on all taxable real and tangible personal property within said CRA in excess of the base year 1996 taxable value of \$548,114 is necessary to be allocated to the CRA for Area II; and

**WHEREAS**, it is anticipated that there will be available for use and disbursement from the CRA funds of said City, revenue in the following amounts:

Collection of Ad Valorem	\$330,203
Revenue other than Ad Valorem	<u>436,136</u>
TOTAL REVENUES	\$766,339

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

**SECTION 1:** That the sum of \$766,339 and such portion thereof as may be realized from the collection of the remainder of current taxes and other anticipated revenue is hereby allocated and appropriated to the CRA of said City.

**SECTION 2:** All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** This Ordinance shall become effective immediately upon its becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

APPROVED:

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Mayor/Commissioner John Rees

ATTEST:

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Kathy Golden, City Clerk

**ORDINANCE 09-58**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, AUTHORIZING THE APPROPRIATIONS OF CITY FUNDS FOR FISCAL YEAR 2009-10 IN ACCORDANCE WITH ARTICLE 3 SECTION 30 (5) OF THE CITY CHARTER OF THE CITY OF WINTER GARDEN, FLORIDA AND FLORIDA STATUTE 166.241 FOR THE PURPOSE OF FULFILLING THE FINANCIAL OBLIGATIONS OF THE CITY**

**WHEREAS**, the City Manager of the City of Winter Garden, Florida has submitted an estimate of the expenditures necessary to carry on the City government for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010; and

**WHEREAS**, the estimated revenues to be received by the City during said period from ad valorem taxes and other sources has been submitted to the City Commission; and

**WHEREAS**, all applicable legal requirements pertaining to public notices and hearings have been satisfied within specified deadlines and prior to final adoption of this Ordinance; and

**WHEREAS**, the City Commission has examined and carefully considered the proposed budget;

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AS FOLLOWS:**

**SECTION 1. Authority.** The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 166 and 200, Florida Statutes.

**SECTION 2. Adoption of Final Budget.** Attached hereto as Exhibit "A" and incorporated herein by reference is the final budget for the City of Winter Garden for the Fiscal Year beginning October 1, 2009 and ending September 30, 2010, said final budget being hereby confirmed, adopted and approved in all respects by the City Commission of the City of Winter Garden.

**SECTION 3. Appropriations.** There are hereby expressly appropriated out of anticipated revenues all funds and monies necessary to meet the appropriations stipulated by and in said final budget.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of

competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION 5. Effective Date.** This Ordinance shall become effective immediately upon it becoming a law.

**READ FIRST TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**READ SECOND TIME AND PUBLIC HEARING HELD:** \_\_\_\_\_

**APPROVED:**

**CITY OF WINTER GARDEN, FLORIDA**

\_\_\_\_\_  
Commissioner H. Gerald Jowers

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Mayor/Commissioner John Rees

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Commissioner James R. Buchanan

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Commissioner Harold L. Boulter

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Commissioner Colin P. Sharman

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**RESOLUTION NO. 09-13**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ADOPTING POLICIES AND PROCEDURES FOR THE PROCUREMENT OF PRODUCTS AND SERVICES FOR THE CITY OF WINTER GARDEN, FLORIDA AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Garden desires to adopt a uniform system of procedures and processes for the procurement of goods and services; and

**WHEREAS**, it is in the best interest of the City to have consistent processes for the procurement of goods and services to ensure that the City acquires the best products and services at a reasonable price and in accordance with applicable law; and

**WHEREAS**, a uniform process for the procurement of goods and services will ultimately benefit the City and provide for a fair and equitable manner in which the City may procure all necessary and desired goods and services.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA:**

**Section 1.** Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Resolution.

**Section 2.** Adoption of the City of Winter Garden Purchasing Manual. The City Commission of the City of Winter Garden hereby adopts the City of Winter Garden Purchasing Manual, which establishes a binding set of rules for the procurement of goods and services within the City. A true and correct copy of the City of Winter Garden Purchasing Manual is attached hereto and incorporated herein as Exhibit “A.”

**Section 3.** This Resolution shall take effect immediately upon its adoption.

**ADOPTED** at a Regular Meeting this \_\_\_\_ day of \_\_\_\_\_, 2009.

**CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA**

\_\_\_\_\_  
John Rees, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk

**RESOLUTION NO. 09-14**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, SUPPORTING THE SUPPLEMENTAL DISCRETIONARY TIGER GRANT APPLICATION TO UNITED STATES DEPARTMENT OF TRANSPORTATION FOR A ROADWAY PROJECT; THE WIDENING OF COUNTY ROAD 545 FROM TWO (2) LANES TO FOUR (4) LANES, FROM 1,500 FEET WEST OF TILDEN ROAD TO 2,000 FEET NORTH OF MARSH ROAD/STONEBROOK PARKWAY**

**WHEREAS**, the City of Winter Garden City Commission supports the United States Department of Transportation Supplemental Discretionary Grant Application; for Transportation Investment Generating Economic Recovery (TIGER Discretionary Grant) for the widening of CR545 from 1,500 feet west of Tilden Road to 2,000 feet north of Marsh Road/Stoneybrook Parkway

**WHEREAS**, the City of Winter Garden City Commission is eager to participate in the U.S. DOT TIGER Grant Program. The City of Winter Garden is in the urban area of Orange County Metropolitan Transportation Planning Area of the Central Florida Region of the United States.

County Road 545 is a regional significant corridor and is a Federal Aid Eligible road under Title 23, United States Code of Federal Register for road widening, bridge replacement, and overpass expansion. The County Road 545 project will (1) preserve and create jobs, promote economic recovery, (2) invest in transportation and other infrastructure which will provide long-term economic benefits, and (3) assist those most affected by the current economic downturn in the Central Florida Region; and

**WHEREAS**, the City of Winter Garden City Commission supports the TIGER Grant Application for the Transportation Capital Investment on CR 545 from two (2) lanes to four (4) lanes facility improvements from 1,500 feet west of Tilden Road to 2,000 feet north of Marsh Road/Stoneybrook Parkway; and

**WHEREAS**, the County Road 545 improvements will enhance and create economic benefits in terms of new jobs, as well as, ease traffic congestion and improve traffic routes in West Orange County, Florida.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY OF WINTER GARDEN CITY COMMISSION:**

The City of Winter Garden City Commission wishes to acknowledge the U.S. Department of Transportation TIGER Discretionary Grant Office for their support and consideration of funding for the County Road 545 Roadway Improvements.

**DULY PASSED** and approved by the City Commission of the City of Winter Garden, Florida on this the 9<sup>th</sup> day of September 2009.

APPROVED:

\_\_\_\_\_  
JOHN REES, Mayor

ATTEST:

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KATHY GOLDEN, CMC  
City Clerk