



CITY OF WINTER GARDEN

OFFICE OF THE CITY CLERK

300 W. PLANT STREET

WINTER GARDEN, FL 34787

TEL: (407) 656-4111 Ext. 2254 • FAX (407) 656-4952

CITY COMMISSION BUDGET HEARINGS AND REGULAR MEETING MINUTES

September 9, 2009

The **BUDGET HEARING AND REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro-Tem Jowers at 6:32 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor Pro-Tem H. Gerald Jowers Commissioners Harold L. Boulter, Bob Buchanan, and Colin Sharman

Absent: Mayor John Rees

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Public Services Director Don Cochran, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Planning Director Ed Williams, Community Development Director Tim Wilson, Human Resources Director Frank Gilbert, Fire Chief John Williamson, Police Chief George Brennan, Building Official Skip Lukert, Recreation Director Jay Conn, and Economic Development Director Dolores Key

1. **FIRST READING AND PUBLIC HEARING TO ADOPT THE PROPOSED MILLAGE RATE AND BUDGETS FOR FISCAL YEAR 2009-2010**

City Manager Bollhoefer noted that Finance Director Hayes would give a PowerPoint presentation for the proposed budget (*see attached Exhibit A*). Ms. Hayes stated that this budget workshop is the first public hearing as advertised on the TRIM notices that were mailed to residents. The second and final public hearing is on Monday, September 21, 2009 at 6:30 p.m.

City Manager Bollhoefer provided additional detailed explanations for some of the items presented. Mr. Bollhoefer noted that the budget does include a two percent cost-of-living increase for our employees. Over the past two or three years the employees have been asked to do more with less and they have done that. Staff has been reduced and they have still managed to get the work done and bring the overtime down. He stated that he and the department heads met as a group and voted unanimously to exclude themselves from that two percent cost-of-living increase. It is important for employees who have done a great job and stepped up their efforts on behalf of the City. There is no other merit or no other increase included.

Mr. Bollhoefer stated that he is recommending that the millage rate be lowered to 3.75 which would make the City of Winter Garden, in all practicality, the second lowest taxing city in Orange County.

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

City Attorney Ardaman read Ordinance 09-55 by title and the following excerpt from 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.

Mayor Pro-Tem Jowers opened the public hearing.

Agrait Rivera, 398 Douglas Way, Winter Garden, Florida, spoke in favor of the proposed budget and feels that it will help people have a better way of life. He congratulated the City Commission on the way they are working and he hopes this budget will be approved. He stated that he feels very happy to live in Winter Garden. He again encouraged the approval of the proposed budget.

Theo Graham, 213 W. Tilden Street, Winter Garden, Florida, spoke in favor of keeping the millage rate the same with how the economy is right now. He thinks the City is trying to get the same amount of funding it had last year which is the reason for the increased tax rate. His calculations show a decrease of \$6,647,931 in the departments that won't be spent this year. He stated that there are \$25 million in expenditures, less the decrease of \$6 million leaves the expenditures at \$19 million for this coming year. He noted that the Enterprise (Utility) Fund takes care of itself. He suggested some possible changes in the budget and asked if the police impact fees could take care of their vehicles.

City Manager Bollhoefer responded that the vehicles Mr. Graham is referring to are replacement cars for existing officers that impact fees cannot be used. In contrast, new cars for new officers are purchased with impact fees.

Mr. Graham noted the increases he has experienced in his property taxes even with the extra exemption. He referenced the raise for employees that are working hard and asked what the raise would be in dollars and cents. He stated that whatever the City can do to bring down the taxes would be appreciated.

Mr. Bollhoefer responded that the total cost for a two percent cost-of-living increase from the General Fund, which is tied to property taxes, including wages, benefits, social security taxes and withholdings is approximately \$250,000.

Commissioner Sharman stated that he has asked the City Manager to cut from the budget what could be cut and the City Manager Bollhoefer has done that. He thinks that the department directors have made a good decision to forego their raises and allow their staff to receive an increase. He believes the employees will be grateful for the symbolic message it sends.

Commissioner Buchanan asked the City Manager for clarification on his requested change to the millage rate. Mr. Bollhoefer replied rolling it back to 3.75 could be adjusted through the fund balance that should leave a neutral effect on fund balance.

Mayor Pro-Tem Jowers closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinance 09-55 with a millage rate of 3.75 with the second reading and public hearing on September 21, 2009. Seconded by Commissioner Boulter and carried unanimously 4-0.

- 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

City Attorney Ardaman read Ordinance 09-56 by title and the following excerpt from Ordinance 09-56: 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

Mayor Pro-Tem Jowers opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Buchanan to approve Ordinance 09-56 with the second reading and public hearing on September 21, 2009. Seconded by Commissioner Boulter and carried unanimously 4-0.

- 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

City Attorney Ardaman read Ordinance 09-57 by title and the following excerpt from Ordinance 09-57:

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	\$766,399

Mayor Pro-Tem Jowers opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to approve Ordinance 09-57 with the second reading and public hearing on September 21, 2009. Seconded by Commissioner Buchanan and carried unanimously 4-0.

- 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(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

Mayor Pro-Tem Jowers opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Boulter to approve Ordinance 09-58 with the second reading and public hearing on September 21, 2009. Seconded by Commissioner Sharman and carried unanimously 4-0.

*At this time, City Attorney Ardaman stated that when he read Ordinance 09-57 he read the unrevised version and asked that this ordinance be reopened so that the correct amounts could be read into the record. It was the **consensus** of the City Commission to reopen Ordinance 09-57 at this time.

Collection of Ad Valorem	\$376,737
Revenue other than Ad Valorem	<u>436,136</u>
TOTAL REVENUES	\$812,873

Motion by Commissioner Boulter to approve the corrected amounts, as ready by the City Attorney, for Ordinance 09-57 with the second reading and public hearing on

September 21, 2009. Seconded by Commissioner Buchanan and carried unanimously 4-0.

2. **APPROVAL OF MINUTES**

Motion by Commissioner Boulder to approve Signage and Budget Workshop minutes of August 24, 2009 and Regular Meeting minutes of August 27, 2009. Seconded by Commissioner Buchanan and carried unanimously 4-0.

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

City Clerk Golden stated that staff is requesting postponement of this item until September 21, 2009 in order to comply with advertising requirements.

Motion by Commissioner Sharman to postpone Ordinance 09-25 until September 21, 2009 at 6:30 p.m. to comply with advertising requirements. Seconded by Commissioner Buchanan and carried unanimously 4-0.

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

Finance Director Hayes stated that this resolution is for implementing a policies and procedures purchasing manual whereby standards can be followed. Ms. Hayes stated that the City has not had one in the past and staff recommends approval.

Motion by Commissioner Buchanan to adopt Resolution 09-13. Seconded by Commissioner Boulter and carried unanimously 4-0.

- 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 stated that the City of Winter Garden is seeking federal funding through the supplemental Discretionary Tiger Grant Program for the benefit of the City Commission and the public. He explained that the TIGER Grant stands for "Transportation Investment Generating Economic Recovery" Program. The road project is for widening County Road 545 from two lanes to four lanes; 1500 feet west of Tilden Road to 2000 feet north of Marsh Road. The engineers estimate for the project is approximately \$11,251,771.

Commissioner Sharman stated that the City has already put some money in impact fees towards this project and asked Mr. Cochran how much. Mr. Cochran stated that he believes there is approximately \$8 to \$9 million. City Manager Bollhoefer stated that there is impact fee money, but for the special impact fee he does not believe there is that much because a lot of that was based on the Hickory Hammock development that has not been built. Mr. Cochran noted that it is what was projected. Mr. Bollhoefer stated that if the City receives this funding, the City will have to remove the special impact fee. If the state is going to pay for building the road, then the City can no longer ask the developers to build it. That impact fee would have to be given back to the developers and eliminate the special impact fee.

Commissioner Sharman asked if the funding from the grant is greater than what the City would get from that special impact fee. Mr. Cochran stated the grant would cover the full cost. He also noted that if the City did not get the grant, this project would be moved out for several years.

There was discussion that the City is competing for this grant and if we do not get it we do not lose anything.

Commissioner Buchanan noted that building this portion does not seem like it really accomplishes anything from Tilden Road to Marsh Road unless it was going to be four-laned all the way back to State Road 50. Mr. Bollhoefer stated that the improvements are part of a negotiation the City has with the county. The City is responsible for building that portion of the road using a super impact fee. Once that portion is done the County would four-lane the rest to State Road 50 because it is a county owned road.

Commissioner Buchanan asked where the county was in their part of the improvements. Mr. Bollhoefer stated that the City Attorney could better address this question. Mr. Ardaman stated that he thinks it is a three phase project with the City doing the first segment, then as you move north on County Road 545 the county picks up the next segment up to the Florida Turnpike. The final segment is from the Turnpike to State Road 50.

Mr. Cochran stated that the full project is in the 20-year Florida Department of Transportation (FDOT) Metro Plan for roadways in central Florida.

Mr. Ardaman stated that the County will ask for assistance to get their portion of the roadway completed. Even though this is a county road the City has agreed to this project with the expectation that the development would receive the impact fees, which will not happen within the coming year. If we were to get this grant, it would allow the City to give the landowners some relief.

Mr. Cochran stated that this is a full grant, not a matching grant or a loan.

Motion by Commissioner Sharman to adopt Resolution 09-14. Seconded by Commissioner Buchanan and carried unanimously 4-0.

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 stated that the City received bids for the Phase II reclaimed water storage and pumping station. The project consists of constructing a two million gallon tank on the Tanner property south of the Turnpike on Daniels Road. This tank will provide reused water for irrigation in the Stone Crest neighborhood, the mall, and most of the neighborhoods south of the Turnpike with the exception of Stoneybrook, which will later be served by the Conserve II line.

Mr. Cochran stated that Beach Construction was one of ten contractors bidding and were the lowest qualified bidder. Reference checks have been conducted on Beach Construction and they were highly positive. Staff is recommending a ten percent contingency, which brings the total contract amount to \$2,229,700.

Mayor Pro-Tem Jowers asked how much less did this project come in at versus what was estimated. Mr. Cochran replied that it was budgeted at \$3.9 million and the latest engineer estimate was a little over \$3 million.

Commissioner Buchanan asked if this will include reclaimed water from the City of Orlando. Mr. Cochran replied no, this will be the City's water to this tank.

Motion by Commissioner Sharman 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. Seconded by Commissioner Boulter and carried unanimously 4-0.

D. Recommendation to approve entering into an agreement with Orange County School Board to continue the School Resource Officer Program

Police Chief Brennan stated that this item is an agreement between the School Board of Orange County and the City of Winter Garden that allows the City Police Department to provide school resource officer services at Lakeview Middle School, Dillard Elementary School, and Whispering Oak Elementary School. This agreement has the same reimbursement funding as was in last year's agreement. There have been some language changes to this agreement since last year based on the recommendations made by the City Attorney.

Motion by Commissioner Boulter to approve entering into an agreement with Orange County School Board to continue the School Resource Officer Program. Seconded by Commissioner Buchanan and carried unanimously 4-0.

5. **MATTERS FROM CITIZENS** - There were no items.

6. **MATTERS FROM CITY ATTORNEY** – There were no items.

7. **MATTERS FROM CITY MANAGER**

A. Update on calculations for Westside Townhomes road improvements

City Manager Bollhoefer stated that he is still working on this item. The estimated construction costs are approximately \$328,000, which is less than the previous estimate. By the next meeting he should have the estimated costs for each unit. He believes that with this cost the project can probably be done with local option gas taxes and paid back with as a special assessment over a 20-year period. He noted that this figure includes only the roads, not the privately owned driveways.

8. **MATTERS FROM MAYOR AND COMMISSIONERS** – There were no items.

The meeting adjourned at 7:43 p.m.

