



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 25, 2010

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Rees at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. The invocation and Pledge of Allegiance were given.

Present: Mayor John Rees, Commissioners Harold L. Boulter, Bob Buchanan, and Colin Sharman

Absent: Commissioner H. Gerald Jowers

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Community Development Director Tim Wilson, Principal Planner Bill Wharton, Public Services Director Don Cochran, City Engineer Art Miller, Finance Director Robin Hayes, Director of Information Technology Bob Reilly, Fire Chief John Williamson, Police Chief George Brennan, Recreation Director Jay Conn, Human Resources Director Frank Gilbert, and West Orange Times Reporter Michael Laval

1. **APPROVAL OF MINUTES**

Motion by Commissioner Boulter to approve the regular meeting minutes of March 11, 2010 as submitted. Seconded by Commissioner Buchanan and carried unanimously 4-0.

2. **FIRST READING OF PROPOSED ORDINANCES**

A. **Ordinance 10-21:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING CHAPTER 78, ARTICLE II, WATER AND SANITARY SEWER SYSTEMS OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES BY REPEALING SECTIONS 78-50 THROUGH 78-60 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTIONS 78-50 THROUGH 78-63 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; REPEALING SECTION 78-243, RECLAIMED WATER RATES AND CHARGES OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES AND CREATING NEW SECTION 78-243 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES; AMENDING CHAPTER 78, UTILITIES OF THE WINTER GARDEN CODE OF ORDINANCES BY CHANGING REFERENCES OF UTILITIES DEPARTMENT TO PUBLIC SERVICES DEPARTMENT; MODIFYING WATER AND WASTEWATER IMPACT FEE AMOUNTS AND ASSESSMENT METHOD TO A METER BASED IMPACT FEE; PROVIDING FOR WATER AND WASTEWATER IMPACT FEE COLLECTION, ADMINISTRATION, AND DISPOSITION; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER CONNECTION FEES; MODIFYING AND PROVIDING FOR SECURITY DEPOSITS, INITIATION OF SERVICE CHARGE, AND MISCELLANEOUS CHARGES AND FEES; MODIFYING AND PROVIDING FOR WATER, IRRIGATION AND WASTEWATER USEAGE RATES, ADMINISTRATION AND

COLLECTION; MODIFYING AND PROVIDING FOR FIRE PROTECTION CONNECTION AND SERVICE CHARGES; MODIFYING AND PROVIDING FOR RECLAIMED WATER CONNECTION CHARGES AND USEAGE RATES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-21 by title only. City Manager Bollhoefer stated that staff would like to postpone this ordinance for two weeks and allow the presentation to be given by the City's consultant. This additional time will give the City Commission the ability to go through and review this item once more. Questions can be brought to staff or forwarded to the consultants. *No objections were noted.*

Public Services Director Cochran stated that in an effort to provide financial stability for the City's water and wastewater systems supply, operations, and capital improvements, the City has engaged the Public Resource Management Group (PRMG) to prepare a cost of service study. This study is related to the water and wastewater revenues, user fees, and impact fees. Mr. Cochran recognized Henry Thomas of PRMG to give a Power Point presentation summarizing the rate study. The presentation will then be followed by a questions and answers session for the City Commission. Mr. Cochran stated that the Power Point presentation will also include the consultant's and staff's recommendations.

Mr. Thomas stated that Murray Hamilton, a member of their staff who actually developed a lot of the underlying analysis in this study and worked extensively with City staff, is also present. Mr. Thomas began his Power Point presentation. *(See attached Exhibit A)*

Mayor Rees stated that he wanted to make sure the City Commission had time to review and study this item. There are two ways of doing this, one by increasing fees and two by reducing expenses. City staff has always done a great job in this area. Mayor Rees noted that the City's operating expenses grew by \$1.4 million and all the City needs to save is \$348,000 and would not need to have a rate increase.

Mr. Thomas stated that a phenomenon being seen is where operating expenses are higher proportionally to the total revenue requirements; the fact is that we are not borrowing any new money and adding any new debt.

Commissioner Sharman asked about the graph showing that the City of Oviedo is at the high end of the spectrum and he asked about the circumstances that may have put them at the higher end. Mr. Thomas stated that his group recently came under contract with the City of Oviedo and they are just starting their investigation. He noted that Oviedo has added a lot of new facilities. Inflation has a huge impact on capital costs. For example, when you put your plans in place ten years ago versus two years ago, the cost in capacity is dramatically different.

Commissioner Sharman asked about the other end of the spectrum whereas the cities of Kissimmee and Lake Mary have relatively low water rates. Mr. Thomas replied that they do not really work with those two systems but suspects that any system at the low end of

the spectrum today probably has more pressure to increase rates than systems on the higher end of the spectrum. It would not surprise him to see Lake Mary and Kissimmee's rates rising in the next few years and much higher than one percent per year.

- B. **Ordinance 10-23**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING SECTION 18-57 OF CHAPTER 18, SECTIONS 46-58, 46-60, 46-61, AND 46-62 OF CHAPTER 46, ARTICLE II, AND SECTION 88-8 OF CHAPTER 88, OF THE CITY CODE OF ORDINANCES FOR THE CITY OF WINTER GARDEN, FLORIDA, TO REMOVE CERTAIN FEE SCHEDULES AND CHARGES ASSOCIATED WITH BUILDING PERMITS, FIRE INSPECTION REVIEW, PLAT REVIEW, AND OTHER MATTERS FROM THE CITY'S CODE OF ORDINANCES AND PROVIDE FOR SUCH FEE SCHEDULES AND CHARGES TO BE SET AND AMENDED BY RESOLUTION OF THE CITY COMMISSION; AND PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-23 by title only. Community Development Director Tim Wilson stated that this ordinance will allow the removal of certain fee schedules and allow them to be grouped together by resolution. Building, fire, and engineering fees are customarily paid during new construction. By being able to make changes and adjustments by resolution will make it easier when bringing these issues back to the City Commission. These fees will be done in three separate resolutions; first would be building, fire, and engineering fees; the second would be the fee schedule for open air and special events; the third would be the architectural reviews.

Motion by Commissioner Buchanan to approve Ordinance 10-23 with the second reading and public hearing being scheduled for April 8, 2010. Seconded by Commissioner Bouler and carried unanimously 4-0.

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

- A. **Ordinance 10-14**: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 74-72 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN BY INCREASING PARKING FEES, AMENDING THE APPEALS PROCESS AND PROVIDING FOR TRANSMISSION OF PARKING VIOLATION DATA TO THE FLORIDA DEPARTMENT OF TRANSPORTATION; ESTABLISHING SECTION 74-77 DESIGNATING THE WINTER GARDEN CODE ENFORCEMENT BOARD AS THE OFFICIAL APPEALS BOARD FOR PARKING VIOLATION CONTESTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONTROL; PROVIDING FOR SEVERABILITY; PROVIDING FOR SUPPLEMENTAL AUTHORITY; AND PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 10-14 by title only. City Manager Bollhoefer stated that this item has been discussed at two prior meetings. Staff's primary purpose for this ordinance is to increase the parking violation fees from \$10 to \$30. The driving force of this ordinance was the use of downtown parking by people who are parking for

eight or more hours. This behavior negatively affects the patron's ability to get to the businesses.

Mayor Rees opened the public hearing; hearing and seeing none, he closed the public hearing.

Commissioner Sharman asked if the signage and methodology had been worked out. Mr. Bollhoefer replied yes and explained that the methodology is in place and the signage is going to be kept to a minimum.

Motion by Commissioner Boulter to adopt Ordinance 10-14. Seconded by Commissioner Sharman and carried unanimously 4-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve awarding up to 20 Summer Youth Day Camp program scholarships in 2010**

Recreation Director Conn asked that this item be postponed until the next meeting. *No objections were noted.*

B. **Recommendation to approve bids and award Annual Construction Services Contracts to TD Thomson Construction, Conpilog International Company and Stage Door II, Inc. for utility, stormwater, roadway construction and emergency services on an as needed basis at per unit pricing**

Public Services Director Cochran stated that the City received bids for the annual construction services contract. The bids are for utility work, stormwater, roadway construction, and emergency services. Initially, Blue Ox Enterprises appeared to be the overall lowest bidder, but after closely reviewing their bid, the bid amounts were actually lower than the cost of performing the work and 50 percent lower than the next lowest bidder. As a result, staff was extremely concerned for the financial viability of Blue Ox Construction and whether or not they would be motivated to do the work if they were called upon. The work is performed on an as needed basis with Blue Ox being called upon to do a job that they would actually lose money. Staff is concerned as to whether they would perform the jobs or not. The City chose to exercise its discretionary right and rejected Blue Ox's bid. Blue Ox was given notice, according to the City's purchasing policy, and given the opportunity to protest or appeal staff's decision, which they did not. Staff moved on to the next lowest bidder who was T. D. Thomson Construction.

Mr. Cochran stated that in addition, staff believes it is in the City's best interest to have more than one contractor on the call list. The City has offered a contract to the next two lowest bidders as long as they honor the lowest bid submitted by T. D. Thomson Construction. Those two bidders have submitted letters stating that they would honor the lower bid. Staff recommends awarding the annual construction services contract to T.D. Thomson Construction, Conpilog International Company, and Stage Door II, Inc.

Commissioner Buchanan asked why the other two companies were added on with T. D. Thomson Construction. Mr. Cochran explained that this is type of work is done on an as

needed basis and in the event of an emergency, whenever T. D Thomson Construction was tied up on another project, the City would have another contractor to call. The City wanted the option of securing at least three contractors who could respond quickly to any type of emergency that may come up.

Motion by Commissioner Sharman to approve bids and award Annual Construction Services Contracts to TD Thomson Construction, Conpilog International Company and Stage Door II, Inc. for utility, stormwater, roadway construction, and emergency services on an as needed basis at per unit pricing. Seconded by Commissioner Boulter and carried unanimously 4-0.

C. Recommendation to approve and award contract for Coluso Drive Drainage Improvements Project to Conpilog International Company for \$115,042.00, with a 10% contingency bringing the total project amount to \$126,546.00

Public Services Director Cochran stated that on February 23, 2010 the City received bids for the Coluso Drive Drainage Improvements Project. The engineering estimate for Coluso Drive's stormwater project located in the Teacup Springs Subdivision includes installing stormwater piping, curves and inlets was \$182,097. Conpilog International Construction was the lowest bid of \$115,042 and staff recommends Conpilog International Construction for this project.

Motion by Commissioner Buchanan to approve and award the contract for Coluso Drive Drainage Improvements Project to Conpilog International Company for \$115,042.00, with a 10% contingency, bringing the total project amount to \$126,546.00. Seconded by Commissioner Sharman and carried unanimously 4-0.

D. Recommendation to approve and advertise a request for proposal for banking services

Finance Director Hayes requested permission to advertise a request for proposal (RFP) for banking services and custodial trustee services. Ms. Hayes stated that the last contract awarded was in 1997 and in lieu of the items that have happened with the financial markets, staff feels it is time to review the City's banking opportunities. This RFP includes banking services, customer services, rates, and health savings account plans. There are various options in the proposal that banks can pick and choose to bid on, but staff is hoping that some will bid on the entire package. This item has been reviewed by legal and PFM, which is the public finance consultant the City currently uses. Staff recommends approval.

Commissioner Sharman asked if everything is currently deposited into SunTrust. City Manager Bollhoefer replied yes, except for the \$1 million that is in BankFirst for the City's community responsible banking program. Commissioner Buchanan asked about the money in the BankFirst account and how it has been used thus far. Mr. Bollhoefer replied that the City has used very little to date. The \$25,000 micro loan has been available but has not had anyone submit and go through the process. The funds first big use will be the affordable housing project on the Eastside of Winter Garden where the funds will be used to build the project and then be replenished when the homes are sold.

There was discussion that these funds are to be used for business incubator.

Motion by Commissioner Sharman to approve the request for proposals for general banking and custody/trustee services and allow staff to advertise the RFP. Seconded by Commissioner Boulter and carried unanimously 4-0.

E. **Authorize the expenditure of \$1,000.00 from the police department's State Forfeiture Fund to support the 25th National Conference on Preventing Crime in the Black Community**

Police Chief Brennan stated that the 25th National Conference on Preventing Crime in the Black Community is being held in a couple of months in Orlando from May 26 through 29. This conference is being hosted by the Orange County Sheriff's Office and the Orlando Police Department has asked the Orange County agencies to donate \$1,000 to help offset some of the costs of this event. Police Chief Brennan requested authorization to donate \$1,000 from the State Forfeiture Fund, which does not use tax dollars.

Motion by Commissioner Sharman to authorize the expenditure of \$1,000.00 from the police department's State Forfeiture Fund to support the 25th National Conference on Preventing Crime in the Black Community. Seconded by Commissioner Boulter 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**

• **Use of City-Owned Buildings**

City Manager Mike Bollhoefer stated that there are City-owned buildings in the downtown area that the staff would like to see being used. He explained that staff has submitted applications for Federal grants for fixing up the old fire house that was used as a recreation center for use as a business incubator. He shared that Congressman Grayson included \$400,000 in his appropriations submittal this year for the City of Winter Garden. Mr. Bollhoefer noted that Congressman Grayson has actually submitted three other projects for the City of Winter Garden.

The City also has two other properties which are the old Planning and Zoning building and the old utilities buildings. The Planning and Zoning building is not in the greatest shape but there is someone interested in using it for 6 months until they can find another location downtown. Staff would like to lease the building to this person for six months at a rate less than the market so at least the building is being used and is bringing people downtown.

Mr. Bollhoefer stated that staff would like to find someone to lease the old utilities building for at least two years. This way instead of just letting the building sit, it can be

used to bring more people downtown and the City can earn some revenue. Staff recommends approval and would like authorization to move forward with this plan. *No objections were noted.*

Commissioner Boulter asked what type of business wants to move into the old Planning and Zoning building (270 W. Plant Street). Mr. Bollhoefer replied it is a martial arts instructor.

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Sharman shared that the Community Garden is doing well. He announced that they will have a booth at the Bloom 'N Grow festival in April and encouraged everyone to come down and participate.

Commissioner Boulter asked with all the construction happening in the City, is the City actively seeking ways for the contractors to hire our residents. He spoke with a contractor who is working on the County's infrastructure on the east end of Winter Garden and he has given him applications to distribute to residents.

City Manager Bollhoefer replied absolutely. Staff has spoken with some of the local contractors and has found that many of the jobs available have not had applicants. There was discussion on posting the jobs in certain locations such as City Hall to let people know where they can go to apply.

City Manager Bollhoefer stated that the bridge over the Turnpike on Winter Garden Vineland Road is scheduled to reopen at 6:00 a.m. on April 3, 2010.

Commissioner Buchanan announced that the City has a signature event this weekend, which is the Orlando Philharmonic Pops concert located at Tanner Hall on Lake Apopka.

The meeting adjourned at 7:41 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC