



# CITY OF WINTER GARDEN

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## CITY COMMISSION REGULAR MEETING MINUTES

October 14, 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, H. Gerald Jowers, and Colin Sharman (*arrived at 6:31 p.m.*)

**Also Present:** City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, City Clerk Kathy Golden, Planning Consultant Ed Williams, Public Services Director Don Cochran, Police Chief George Brennan, Finance Director Robin Hayes, Fire Chief John Williamson, Building Official Skip Lukert, Information Technology Director Bob Reilly, Parks and Recreation Director Jay Conn, Human Resources Director Frank Gilbert, Capital Improvements Project Administrator Marc Black, and Economic Development Director Tanja Gerhartz

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Jowers to approve the regular meeting minutes of September 22, 2010 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.**

*Commissioner Sharman arrived at this point in the meeting.*

Mayor Rees announced that Regular Business item B would be heard at this time.

### 4. **Regular Business**

**B. Recommendation to authorize the Mayor to sign a purchase agreement for the acquisition of 30.4 acres for a retention pond located west of Hennis Road, east of Courtlea Oaks Subdivision, north of E. Plant Street and south of E. Division Street for \$861,605.00**

Planning Consultant Williams stated that several months ago, the City Commission approved a purchase agreement with Wade Bradford to purchase his warehouse at 961 E. Plant Street and 14 acres at the rear of that building that was under a different corporation that Mr. Bradford owned. The City has closed on the front piece of the property. With reference to the 14 acres in the rear piece, Mr. Bradford's bank did not approve that transaction. Subsequent to this, Mr. Bradford listed the entire property for sale, 30.4 acres at a price of \$900,000.00. The City has prepared a purchase agreement to purchase the entire property for \$861,605.00 and believes that the need for the right-of-way for Plant Street, the retention pond for Plant Street, for drainage solutions to Lulu Creek, and a buffer to the adjoining neighborhood, that it would be prudent for the City to purchase the entire property. He stated that staff requests authorization for the Mayor to sign this

purchase agreement. The second part of the request is to also authorize staff to negotiate an option agreement with Mr. Bradford to sell back 11 acres of that property within the next four years for \$970,000.00. Staff thinks that this would be a good use of the property, it would refund the money to the City and the City would keep 20 acres of the property. If Mr. Bradford does not exercise that option, then the City would look at uses for the property such as a park, affordable housing, or sell to another development as part of the City's economic development program.

Mr. Williams asked that the City Commission to approve both the acquisition agreement and that an option agreement be prepared for 11 acres for Mr. Bradford.

City Manager Bollhoefer asked if these funds would come from impact fees.

Mr. Williams responded yes, this is part of the transportation program in conjunction with the widening of the road.

Mayor Rees clarified that the option is for four years, that within that time, the City can only sell the 11 acres to Mr. Bradford. Mr. Williams responded yes.

**Motion by Commissioner Jowers to authorize the purchase agreement for 30.4 acres for a retention pond located west of Hennis Road, east of Courtlea Oaks Subdivision, north of E. Plant Street and south of E. Division Street for \$861,605.00 and also authorizing staff to negotiate an option for Mr. Bradford to purchase back from the City 11 acres of the parcel within the next four years for \$970,000.00. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

2. **OATHS OF OFFICE AND INTRODUCTION OF NEW POLICE OFFICERS**

Police Chief Brennan introduced and administered the oath of office to Police Officers Matthew Fewless, David Garcia, Aaron Jenkins, and Ronald Daniels.

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

A. **Ordinance 10-32:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2009-2010 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

Assistant City Attorney Langley read Ordinance 10-32 by title only.

Finance Director Hayes stated that staff would like to recommend approval of the purchase of radios and possibly a motorcycle. The funds for these items come from an insurance claim from a motorcycle that was in an accident, so these are funds that are being replaced along with the sale of some surplus radios that have been replaced with newer radios. This ordinance would amend the budget for 2009-2010, not the budget for 2010-2011.

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

**Motion by Commissioner Sharman to adopt Ordinance 10-32. Seconded by Commissioner Jowers and carried unanimously 5-0.**

**4. REGULAR BUSINESS**

**A. Recommendation to authorize the Mayor to sign an Emergency Medical Services Agreement with Orange County for grant related equipment**

Fire Chief Williamson stated this interlocal agreement is the result of some grant purchases that staff was able to acquire for a Toughbook that staff can use in the field. He shared that staff is trying to get as paperless as possible. There is no cost to the City because this is funded through the EMS grant fund.

**Motion by Commissioner Boulter to approve authorizing the Mayor to sign an Emergency Medical Services Agreement with Orange County for grant related equipment. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**B. Recommendation to authorize the Mayor to sign a purchase agreement for the acquisition of 30.4 acres for a retention pond located west of Hennis Road, east of Courtlea Oaks Subdivision, north of E. Plant Street, and south of E. Division Street for \$861,605.00 (This item was discussed at the beginning of the meeting.)**

**C. Recommendation to authorize the Mayor to sign for the extension of two school capacity enhancement agreements with KB Homes (Black Lake Park) until December 31, 2012**

Community Development Director Wilson stated that the City has received a request from KB Homes to extend the capacity enhancement agreements to the end of December 2012. In the original agreements, between the builder and the school board, the City was not a party. In this version, staff recommends extending it with certain terms as outlined in the agreement. The original agreement showed a larger area in and outside of the City. This fact made it a little onerous for the control of where the agreements were going to be transferred too. This document contains provisions that are satisfactory to staff and he recommends approval. He noted that a KB Homes representative was present to answer any questions that the City Commission may have.

**Motion by Commissioner Boulter to approve authorizing the Mayor to sign for the extension of two school capacity enhancement agreements with KB Homes (Black Lake Park) until December 31, 2012. Seconded by Commissioner Buchanan and carried unanimously 5-0.**

**D. Presentation and discussion regarding Tucker Ranch property of 204+ acres in Orange County located to the south of the Florida Turnpike and on west side of Avalon Road**

City Manager Bollhoefer stated that a presentation regarding the Tucker Ranch property (210 acres that is 63 upland and 147 wetland acres) will be presented by Alex Size, the representative of the Trust for Public Land organization. (See attached **Exhibit A**.)

Mr. Size stated that what their organization and the City Manager are proposing that they bring a contract for purchase between the Trust for Public Land and the City of Winter Garden at the following meeting on October 28, 2010 at the current negotiated purchase price of almost \$2.1 million.

City Manager Bollhoefer noted there are no specific plans on how this land would be used. He did state it would be set aside as future park land and he shared some of his ideas for what the land could be used for.

Mr. Bollhoefer stated that a couple of items that would be required in the contract include the arch from the old West Orange Country Club that need restorations by the City and the owners want to have the park named after the Tucker family.

Mr. Bollhoefer discussed some of his ideas on how the City could finance this project. He noted that he is looking at borrowing from impact fee funds and paying it back with park/recreation impact fees over time as the fees come in. There is also a \$200,000.00 State approved grant and the Trust for Public Land would assist us in applying for an additional \$200,000.00 grant. We would also have three years to pay half of the purchase price through the Florida Forever grant. Generally, once we own the land we would get an additional 10 points, which increases our odds in receiving the money over the next three years. The more we contribute, the more points we get. At this point, he is looking at paying 50 percent. The greatest risk is the possibility that the State will not fund the project.

It was the **consensus** of the City Commission to move forward with the agreement.

E. **Recommendation to authorize the Mayor to sign a construction contract for the downtown event pavilion and interactive fountain with Great Southern Contracts, Inc. in the amount of \$1,649,038.00**

City Manager Bollhoefer stated the contract and bid tabulations were included in the agenda packet for the construction of the downtown pavilion and the interactive fountain. The lowest responsive, qualified bidder was Great Southern Construction.

Mr. Bollhoefer stated that it is the intention of staff to have the fountain completed and open by the time we have our spring festival.

Mayor Rees asked who installed the fountains in Tavares or Dr. Philips. Mr. Bollhoefer replied that he believed that they subcontracted out their fountain work.

There was discussion whether or not the bids included the subcontractors. Mr. Black stated that he believes the subcontractor is Freeport Fountains, who actually installed our fountains.

**Motion by Commissioner Buchanan to authorize the City Manager to sign the construction contract with Great Southern Contracts, Inc. for the downtown event pavilion and interactive fountain in the amount of \$1,649,038.00. Seconded by Commissioner Boulter and carried unanimously 5-0.**

There was discussion that the project beginning next Wednesday and questions as to whether or not there would be a groundbreaking ceremony. Mr. Bollhoefer stated he was not sure, but they will set one up.

5. **MATTERS FROM CITIZENS**

Charlie Mae Wilder, 284 11<sup>th</sup> Street, Winter Garden, Florida, asked for the City's support for the upcoming appreciation of Veteran's and their families. She requested that the City once again purchase an advertisement for the inside front cover for \$100.00.

It was the **consensus** of the City commission to authorize the advertisement in special event program.

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

7. **MATTERS FROM CITY MANAGER**

A. **Recommendation to waive fees for West Orange Pop Warner Awards Banquet**

**Motion by Commissioner Jowers to waive the rental fees for the West Orange Pop Warner Awards Banquet at Tanner Hall on October 22, 2010. Seconded by Commissioner Sharman and carried unanimously 5-0.**

8. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Buchanan asked about the repairs to Roper Drive because he has received some calls from his constituents since a letter was sent out.

Public Services Director Cochran stated that after the big rain event on August 27th, the project was reviewed and it was thought to be wise to add more inlets a little further upstream to catch more of the water before it got to the bottom of the hill. He stated that the engineer, Mr. Kirby, did a redesign and the materials are on order. As soon as the materials are received, the contractor will start the work.

The meeting adjourned at 7:13 p.m.

APPROVED:

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Mayor John Rees

ATTEST:

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City Clerk Kathy Golden, CMC