



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

October 28, 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 was given by Bishop Scott Cookson and the Pledge of Allegiance was led by Mayor Rees.

Present: Mayor John Rees, Commissioners Harold L. Boulter, H. Gerald Jowers, and Colin Sharman

Absent: Commissioner Bob Buchanan

Also Present: City Manager Mike Bollhoefer, Assistant City Attorney Dan Langley, City Clerk Kathy Golden, Public Services Director Don Cochran, Police Chief George Brennan, Finance Director Robin Hayes, Fire Chief John Williamson, Building Official Skip Lukert, Community Development Director Tim Wilson, Information Technology Director Bob Reilly, Parks and Recreation Director Jay Conn, Human Resources Director Frank Gilbert, and Economic Development Director Tanja Gerhartz

1. **APPROVAL OF MINUTES**

Motion by Commissioner Jowers to approve the regular meeting minutes of October 14, 2010 as submitted. Seconded by Commissioner Boulter and carried unanimously 4-0.

2. **PRESENTATIONS**

- A. **Proclamation 10-10** declaring October 30 to November 6, 2010 as the Week of the Family as read by Mayor Rees.
- B. Plaques of appreciation were presented by the Mayor and City Commissioners to Ken Holton, Mildred Holt-Washington, and Robert Butler for their many years of service on the Police and Fire Employees Pension Board.

3. **REGULAR BUSINESS**

PUBLIC HEARING ITEM

A. **Interlocal agreement with the Orange County School Board for a temporary reduction in capacity concurrency fees until January 31, 2012**

Community Development Director Wilson stated that this interlocal agreement between the Orange County School Board and the City of Winter Garden would provide for a [temporary] reduction in the school capacity reservation fees from one-third to ten percent on an annual basis. For an extra two years, they would either pay ten percent or 20 percent. What this does is free up funds for the developers to allow their projects to proceed without paying extra money. The school board is going to be updating their impact fee, which he anticipates will go down to this percentage. The percentage would still work off of the same impact fee and would probably save the developer over \$3,000

per unit, per year, on the front payment of the funds. Mr. Wilson stated that staff certainly endorses this agreement and recommends its approval.

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

Motion by Commissioner Jowers to approve the Interlocal agreement with the Orange County School Board for a temporary reduction in capacity concurrency fees until January 31, 2012. Seconded by Commissioner Sharman and carried unanimously 4-0.

B. Appointment to the Code Enforcement Board for seat vacated by Vincent Goodwin for his unexpired term until June 30, 2013

Community Development Director Wilson stated that staff is asking the City Commission to consider taking two actions tonight. One is the removal of a member for poor attendance and the second is to consider filling the vacancy for the remainder of Mr. Goodwin's term through June 2013, or make the appointment at a later date.

There was discussion that the seat was an appointment made by the District 4 Commissioner. Commissioner Sharman stated that he has an applicant, Harold Petch, from District 4 that would like to serve.

Motion by Commissioner Boulter to remove Vincent Goodwin from the Code Enforcement Board due to his attendance record and to appoint Harold Petch to serve for the remainder of Mr. Goodwin's term until June 2013. Seconded by Commissioner Jowers and carried unanimously 4-0.

C. Appointments to the Planning and Zoning Board for a term of three years, for expiring terms of Jim Gentry (District 2), Kent Horsley (District 1), and Mark Maciel (District 3) on October 31, 2010

City Clerk Golden stated that this item is for three seats scheduled to expire on the Planning and Zoning Board. All interest applications have been provided in the agenda packets for consideration. Ms. Golden indicated she included a summarization of those applicants still interested in being appointed.

Commissioner Jowers noted that he contacted Mr. Horsley, who is interested in serving another term and asked if the other members were also interested.

City Manager Bollhoefer responded that the three current members are still interested in serving.

Motion by Commissioner Jowers to reappoint Jim Gentry (District 2), Kent Horsley (District 1), and Mark Maciel (District 3). Seconded by Commissioner Boulter.

Commissioner Sharman asked if they have all had good attendance. Ms. Golden replied yes and reported that Kent Horsley and Jim Gentry had perfect attendance, and Mark Maciel has missed two meetings.

Commissioner Boulder asked if the absences were excused or unexcused. City Clerk Golden responded that the information was not entered into the record. Mr. Bollhoefer shared that if someone has excessive absences the board takes it up to see if they exceed the allowable absences. In this case, Mr. Maciel was within the allowable amount of absences.

Motion carried unanimously 4-0.

D. **Appointments to the Police and Fire Employees Pension Board a term of two years, for expiring terms of Joe Morabito and Mildred Holt-Washington on November 30, 2010**

City Clerk Golden stated that Mildred Holt-Washington is vacating her seat and Mr. Morabito has indicated his willingness to be reappointed to another term. Interest applications have been included in the agenda packets for consideration.

Mayor Rees asked the City Commission if they had spoken to anyone who may have shown an interest in being appointed to this board. *(There was no indication that the City Commission had contact with potential members.)*

Motion by Commissioner Jowers to reappoint Joe Morabito to the Police and Fire Employees Pension Board for a two-year term and postpone Mildred Holt-Washington's replacement until the next City Commission meeting. Seconded by Commissioner Sharman and carried unanimously 4-0.

E. **Recommendation to approve a Statement Rendering Services Level Agreement with TC Delivers for the next three years with optional one year renewals thereafter**

Finance Director Hayes stated that TC Delivers is the current provider that prints the City's water bills and staff recommends continuing with them for the next three years.

Commissioner Sharman addressed the option of going paperless. He also noted that if the bills were sent in this manner, the notices would have to be sent electronically as well.

Ms. Hayes stated that the paperless option is being reviewed through the HTE SunGuard system, which is our current software provider. At this point, everything is not in place to go paperless.

City Manager Bollhoefer added that staff is actually working on an electronic notice delivery and technology issues for the actual bill.

Motion by Commissioner Sharman to approve Statement Rendering Services Level Agreement with TC Delivers for the next three years with optional one year

renewals thereafter. Seconded by Commissioner Boulter and carried unanimously 4-0.

F. Recommendation to approve entering into a contract with Crown Shredding for the next three years at a fixed rate

Finance Director Hayes stated that this contract is with Crown Shredding who was the lowest quote staff received from three different companies in the area. Staff recommends entering into the contract for three years with adoption of one-year contracts thereafter.

Motion by Commissioner Boulter to approve entering into a contract with Crown Shredding for the next three years with the option to renew at one-year contracts thereafter. Seconded by Commissioner Sharman and carried unanimously 4-0.

G. Recommendation to approve a request for additional services with CPH Engineering and increase the hourly contract amount from \$382,815.00 to \$427,815.00 for the State Road 50 utility relocation project in conjunction with the road widening

Public Services Director Cochran stated CPH Engineering has been engaged as the City's engineer of record for the State Road 50 utility relocation project. Over the course of the project, the City has required CPH Engineering to do additional work related to design, attending meetings, reviewing change orders, and responses to change orders. With these additional hours that they are putting in, they are requesting that their contract be increased from \$382,815.00 to \$427,815.00. This is an hourly contract and not a lump sum, so they only get paid for the work that they perform.

Motion by Commissioner Jowers to approve the request for additional services with CPH Engineering and increase their hourly contract amount from \$382,815.00 to \$427,815.00 for the State Road 50 utility relocation project in conjunction with the road widening. Seconded by Commissioner Sharman and carried unanimously 4-0.

H. Recommendation to approve entering into an agreement with the Orange County School Board to provide police officers for the School Resource Officer Program at Lakeview Middle, Dillard Elementary, and Whispering Oak schools

Police Chief Brennan stated that before the City Commission is an agreement to provide school resource officer services for two elementary schools and for Lakeview Middle School with the reimbursement schedule being the same as last year.

Motion by Commissioner Jowers to approve entering into an agreement with the Orange County School Board to provide police officers for the School Resource Officer Program at Lakeview Middle, Dillard Elementary, and Whispering Oak schools. Seconded by Commissioner Sharman and carried unanimously 4-0.

I. Recommendation to approve a request by Henry Hoyt Rice to credit prior service in the General Employees Pension Plan (July 24, 1973 through May 7, 1974), as allowed under the Personnel Policy 4.10 (D) Reinstatements

Human Resources Director Gilbert stated that this is a request submitted by Mr. Rice who previously worked for the City for about ten years and eight months of total service. Mr. Rice did have a break in service and is asking that the City combine his prior service time with his later service so that he can be eligible for his pension.

Motion by Commissioner Jowers to approve the request by Henry Hoyt Rice to credit prior service in the General Employees Pension Plan (July 24, 1973 through May 7, 1974). Seconded by Commissioner Boulter and carried unanimously 4-0.

4. **MATTERS FROM CITIZENS**

Andy Bruns, 3 Palm Drive, Winter Garden, Florida, as President of Trailer City's Homewoner's Association shared that Trailer City had a trailer catch fire and burn next to his home yesterday. He also shared what a fantastic job the Winter Garden Fire and Police Departments did in handling the situation. He thanked the City of Ocoee for sending a fire truck. Mr. Bruns also extended a big thank you to the City Manager who did a fantastic job helping out the resident who lost his home by getting him a place to stay.

On behalf of Trailer City with their deepest appreciation, Mr. Bruns presented the Police and Fire Chief with a book written by Trailer City resident Lynne Cole titled "God's Question - What Do You Think God Sees When He Looks At You?", which arrived during the fire, as small token of their appreciation.

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

6. **MATTERS FROM CITY MANAGER**

(These next two items were acted upon in reverse order than what was listed on the agenda.)

B. **Status report on pending ordinances**

i. **Traffic light cameras**

City Manager Bollhoefer stated that bringing back an ordinance on this item has been slowed down because staff has been negotiating with companies to install the cameras under the new state law that provides that communities will no longer generate revenue from them. Therefore, staff is making sure the contract will not cause the City to lose money. When the contact is ready, it will come back to the City Commission with a list of proposed intersections to be monitored.

ii. **Gaming devices**

City Manager Bollhoefer stated that since last bringing the proposed ordinance to the City Commission, it was realized that staff overlooked the fact that the VFW has pull tab machines, which are allowed by state law. The City Attorney is making sure the ordinance does not affect the VFW's machines and then it will come to the City Commission. He has met and spoken with the VFW on this item.

A. Cancellation of City Commission regular meetings of November 25 and December 23, 2010 for the holidays

Motion by Commissioner Jowers to cancel the regular City Commission meetings of November 25 and December 23, 2010. Seconded by Commissioner Sharman and carried unanimously 4-0.

7. MATTERS FROM MAYOR AND COMMISSIONERS

The meeting adjourned at 7:03 p.m.

APPROVED:

____/S/_____

ATTEST:

____/S/_____
City Clerk Kathy Golden, CMC