



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

REGULAR MEETING

NOVEMBER 11, 2010

6:30 P.M.

CALL TO ORDER

Determination of a Quorum

Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of October 28, 2010

2. FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE

A. **Ordinance 10-33**: AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; BY ADOPTING AN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT PURSUANT TO SUBSECTION 163.3177 (3) (b), FLORIDA STATUTES TO MAINTAIN A FINANCIAL FEASIBLE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND EFFECTIVE DATE – Community Development Director Wilson

3. REGULAR BUSINESS

A. Recommendation to approve entering into a contract to purchase the Tucker Ranch property consisting of 204+ acres in unincorporated Orange County located to the south of the Florida Turnpike and on west side of Avalon Road – City Manager Bollhoefer

B. Recommendation to approve Annual Construction Services Contract with APEC INC. at the unit priced rates previously approved and bid by TD Thompson Construction – Public Services Director Cochran

C. Appointment to the Police and Fire Employees Pension Board for a two year term for expiring term of Mildred Holt-Washington on November 30, 2010 (*continued from October 28, 2010*) – City Clerk Golden

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

5. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

6. MATTERS FROM CITY MANAGER – Mike Bollhoefer

7. MATTERS FROM MAYOR AND COMMISSIONERS

ADJOURN to a regular City Commission meeting on December 9, 2010 at 6:30 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 10-33

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; AMENDING THE CITY OF WINTER GARDEN COMPREHENSIVE PLAN; BY ADOPTING AN AMENDMENT TO THE CAPITAL IMPROVEMENTS ELEMENT PURSUANT TO SUBSECTION 163.3177 (3) (b), FLORIDA STATUTES TO MAINTAIN A FINANCIAL FEASIBLE 5-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, TRANSMITTAL AND EFFECTIVE DATE.

WHEREAS, the City is required, pursuant to Chapter 163.3177 (3) (b), Florida Statutes to adopt an annual update to the Capital Improvements Element; and

WHEREAS, on November 1, 2010, the City's Local Planning Agency (LPA), held a public hearing and made recommendations regarding the adoption of the proposed Amendments to the Capital Improvements Element; and

WHEREAS, the City Commission finds that this ordinance is consistent with the provisions in the Florida Statutes, which require the City to provide for adequate public facilities, including adequate public school facilities, to support anticipated growth within the City over the next five (5) years; and

WHEREAS, The City Commission has found that the proposed Capital Improvements Plan as updated this year to be consistent with the City's comprehensive plan and to meet all statutory and regulatory requirements;

WHEREAS, the City Commission finds that this ordinance implements the goals, objectives and policies necessary to achieve the annual update for the City's capital improvements as required by applicable law.

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

Section I: Adoption: The Comprehensive Plan is hereby amended to revise the following Capital Improvement Element policy to read as follows:

Policy 8-1.5.4 : Five Year CIP: As part of the yearly budgeting process, the City shall develop and maintain a Five Year Capital Improvement Plan to plan for future improvements. This Five Year Plan shall reflect the needs identified in other elements of this comprehensive plan and be financially feasible. The tables contained in Exhibit "A", attached hereto and incorporated herein, illustrates the current five (5) year Capital Improvement Plan for fiscal years 2010/2011 to 2014/2015 ~~2009/2010 to 2013/2014~~.

Section II: Exhibit Replacement: Exhibit "A" affixed to this Ordinance is hereby adopted as part of Comprehensive Plan Capital Improvement Policy 8-1.5.4 and shall be the exhibit referenced in Policy 8-1.5.4. Exhibit "A" as adopted in Ordinance 10-06 is hereby repealed and replaced in its entirety by Exhibit "A" affixed to this Ordinance.

Section III: Conflicts: In the event of a conflict or conflicts between this ordinance and any other ordinances, this Ordinance controls.

Section IV: Severability: If any portion of this Ordinance is determined to be void, unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section V: Codification: It is the intention of the City Commission of the City of Winter Garden that the Comprehensive Plan Amendment proposed by this Ordinance shall become and be made a part of the

Comprehensive Plan of the City of Winter Garden. Goals, Objectives, and Policies of the Comprehensive Plan may be renumbered or reorganized for editorial and codification purposes and such renumbering or reorganization shall not constitute nor be considered a substantive change to the Comprehensive Plan Amendment as adopted. For solely organizational purposes, the City Clerk is hereby directed to ensure that appropriate numbers are affixed to the Goals, Objectives, and Policies in the Comprehensive Plan prior to Codification of the Comprehensive Plan Amendment.

Section VI: Transmittal: Within ten (10) working days after adoption of this Ordinance, the City Planning Department is directed to transmit this Comprehensive Plan Amendment to the Department of Community Affairs in accordance with Rule 9J-11.011(5) Florida Administrative Code.

Section VII: Effective Date: Pursuant to Rule 9J-11.011(10), F.A.C., the effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184 (1)(b), Florida Statutes, whichever is applicable. This amendment shall not be utilized as a basis for approving or issuing any development orders, development permits or land uses before such amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission. Then, it shall no longer be part of the adopted plan unless the local government adopts a resolution affirming its effectiveness in the manner provided by law.

FIRST READING AND PUBLIC HEARING:	November 11, 2010
SECOND READING AND PUBLIC HEARING:	December 9, 2010

ADOPTED this ____ day of _____, 2010, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

JOHN REES, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

Exhibit "A"
City of Winter Garden
5-Year Schedule of Capital Improvements
2010/2011 - 2014/2015

Table 1: Projects

Line No.	PROJECT NAME	Fund Source	2010/2011	2011/2012	2012/2013	2013/2014	2014-2015	Totals	
1	Parks and Recreation								
2	Lulu Creek Trail	GO	PARKS AND REC	-	316,000	-	-	316,000	
3	Farmer's Market -Park/Fountain (Design)	GO	PARKS AND REC	1,200,000	-	-	-	1,200,000	
4	Farnsworth Pool Renovations	GO	PARKS AND REC	-	325,000	350,000	585,000	1,605,000	
5	Park and Recreation: GO Total			\$1,200,000	\$641,000	\$350,000	\$585,000	\$345,000	\$3,121,000
6	Roadway Improvements								
7	CR 545 South	GIF	STREETS	-	9,000,000	-	-	9,000,000	
8	Marsh Rd (545 to Hickory Hammock)	GIF	STREETS	-	1,000,000	3,250,000	-	4,250,000	
9	Roadway: General Fund Impact Fee Sub-Total			-	10,000,000	3,250,000	-	13,250,000	
10	External Funding Sources								
11	SR 50 (FDOT Item Nos. 239535-2 & 410983-1) ¹	FDOT	ARRA	363,370	130,000	12,530,000	-	71,000	15,340,831
12	Florida's Turnpike (FDOT Item Nos. 406146-1 & 406148-3) ¹	FDOT	FDOT	11,584,781	-	-	-	-	11,584,781
13	External Funding Sources Sub-Total			11,948,151	130,000	12,530,000	-	71,000	26,925,612
14	Roadway Total			11,948,151	10,130,000	15,780,000	-	71,000	40,175,612
15	Stormwater Drainage								
16	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	S	STORMWATER	31,400	258,750	-	-	290,150	
17	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	S	STORMWATER	107,000	-	-	-	107,000	
18	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	S	STORMWATER	-	67,500	-	-	67,500	
19	Dillard Street - Verna Street north to Division (Design & Construction)	S	STORMWATER	-	-	67,500	-	67,500	
20	Lulu Creek	S	STORMWATER	-	1,500,000	-	-	1,500,000	
21	Main Street - Story To Vining (Design & Construction)	S	STORMWATER	31,750	-	-	-	31,750	
22	Midget Place - Surprise to Palm (Design & Construction)	S	STORMWATER	5,600	37,500	-	-	43,100	
23	North Dillard - Surprise to Division (Design & Construction)	S	STORMWATER	-	-	11,960	59,570	71,530	
24	N Highland - Henderson to Newell (Design & Construction)	S	STORMWATER	30,250	-	-	-	30,250	
25	Palm Drive - Regal Place to Division (Design & Construction)	S	STORMWATER	-	9,375	62,500	-	71,875	
26	South Highland - Smith to R/R track (Design & Construction)	S	STORMWATER	3,750	25,000	-	-	28,750	
27	South Main - Smith to Tremaine (Design & Construction)	S	STORMWATER	33,500	-	-	-	33,500	
28	South Woodland Street - Smith to Tremaine (Design & Construction)	S	STORMWATER	8,165	40,595	-	-	48,760	
29	Tremaine Street - Main to Dillard (Design & Construction)	S	STORMWATER	-	-	9,430	47,035	56,465	
30	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	S	STORMWATER	-	50,250	-	-	50,250	
31	Stormwater Total			251,415	1,988,970	151,390	106,605	-	2,498,380
32	Solid Waste								
33	Rearload Truck	SW	SOLID WASTE	220,046	-	-	-	220,046	
34	Fully Automated Truck	SW	SOLID WASTE	215,770	-	-	-	215,770	
35	Solid Waste Total			435,816	-	-	-	-	435,816
36	Sanitary Sewer								
37	Hennis Road Gravity Sewer	UIF-WW	COLLECTION	26,500	218,960	-	-	245,460	
38	Utility Line Relocation SR 50 (Construction)	UIF-WW	COLLECTION	96,100	-	-	-	96,100	
39	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	UIF-WW	COLLECTION	-	131,400	-	-	131,400	
40	Palm Drive - Regal Place to Division (Design & Construction)	UIF-WW	COLLECTION	-	11,600	77,450	-	89,050	
41	Crest Avenue WWTP Expansion	UIF-WW	WASTEWATER	-	-	-	2,500,000	2,500,000	
42	Crest Avenue WWTP Electrical Upgrades	UIF-WW	WASTEWATER	45,000	-	-	-	45,000	
43	Crest Ave WWTP Equalization Tank Design	UIF-WW	WASTEWATER	205,000	-	-	-	205,000	
44	Reclaimed Water PH 3	UIF-WW	WASTEWATER	-	-	-	3,900,000	3,900,000	
45	Plant St Segment 2 Sanitary (gravity & force)	UIF-WW	WASTEWATER	275,000	-	-	-	275,000	

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46	Plant St Segment 3 Sanitary (force main)	UIF- WW	WASTEWATER	52,000	-	-	-	-	52,000
47	Dreyfus/North Street Preer-treatment Upgrades	UIF- WW	WASTEWATER	-	-	1,200,000	-	-	1,200,000
48	Utility Line Relocation SR 50 (Construction)	UIF- WW	WASTEWATER	577,000	-	-	-	-	577,000
49	2" Water Main Upgrades	UIF- WW	WASTEWATER	500,000	500,000	500,000	500,000	500,000	2,500,000
50	Sanitary Sewer: UIF-WW Sub-Total			1,776,600	861,960	1,777,450	6,900,000	500,000	11,316,010
51	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	URR- WW	COLLECTION	13,450	77,280	-	-	-	90,730
52	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	URR- WW	COLLECTION	70,800	-	-	-	-	70,800
53	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	URR- WW	COLLECTION	-	38,500	-	-	-	38,500
54	Dillard Street - Verna Street north to Division (Design & Construction)	URR- WW	COLLECTION	-	-	38,500	-	-	38,500
55	Main Street - Story To Vining (Design & Construction)	URR- WW	COLLECTION	32,500	-	-	-	-	32,500
56	Midget Place - Surprise to Palm (Design & Construction)	URR- WW	COLLECTION	5,850	39,100	-	-	-	44,950
57	North Dillard - Surprise to Division (Design & Construction)	URR- WW	COLLECTION	-	-	12,995	64,975	-	77,970
58	N Highland - Henderson to Newell (Design & Construction)	URR- WW	COLLECTION	29,500	-	-	-	-	29,500
59	Palm Drive - Regal Place to Division (Design & Construction)	URR- WW	COLLECTION	-	11,000	73,150	-	-	84,150
60	South Highland - Smith to R/R track (Design & Construction)	URR- WW	COLLECTION	5,750	28,750	-	-	-	34,500
61	South Main - Smith to Tremaine (Design & Construction)	URR- WW	COLLECTION	32,000	-	-	-	-	32,000
62	South Woodland Street - Smith to Tremaine (Design & Construction)	URR- WW	COLLECTION	9,660	48,415	-	-	-	58,075
63	Tremaine Street - Main to Dillard (Design & Construction)	URR- WW	COLLECTION	-	-	8,800	50,370	-	59,170
64	Utility Line Relocation SR 50 (Construction)	URR- WW	COLLECTION	867,500	-	-	-	-	867,500
65	Sanitary Sewer: URR-WW Sub-Total			1,067,010	243,045	133,445	115,345	-	1,558,845
66	Sanitary Sewer Total			2,843,610	1,105,005	1,910,895	7,015,345	500,000	13,374,855
67	Potable Water								
68	Crest Avenue/Lulu Creek Culvert Crossing (Design & Construction)	UIF- W	DISTRIBUTION	4,700	26,968	-	-	-	31,668
69	Dillard Street - Plant Street north to Tilden Street (Design & Construction)	UIF- W	DISTRIBUTION	51,600	-	-	-	-	51,600
70	Dillard Street - Tilden Street north to Verna Street (Design & Construction)	UIF- W	DISTRIBUTION	-	29,375	-	-	-	29,375
71	Dillard Street - Verna Street north to Division (Design & Construction)	UIF- W	DISTRIBUTION	-	-	29,375	-	-	29,375
72	N Highland - Henderson to Newell (Design & Construction)	UIF- W	DISTRIBUTION	25,900	-	-	-	-	25,900
73	South Highland - Smith to R/R track (Design & Construction)	UIF- W	DISTRIBUTION	3,300	21,875	-	-	-	25,175
74	South Main - Smith to Tremaine (Design & Construction)	UIF- W	DISTRIBUTION	25,000	-	-	-	-	25,000
75	South Woodland Street - Smith to Tremaine (Design & Construction)	UIF- W	DISTRIBUTION	7,935	39,445	-	-	-	47,380
76	Tremaine Street - Main to Dillard (Design & Construction)	UIF- W	DISTRIBUTION	-	-	8,280	41,400	-	49,680
77	Utility Line Relocation SR 50 (Construction)	UIF- W	DISTRIBUTION	59,800	-	-	-	-	59,800
78	Vineland Rd - S.R. 50 to Palmetto Ave (Design & Construction)	UIF- W	DISTRIBUTION	70,200	-	-	-	-	70,200
79	Woodlark Water Storage Tank II	UIF- W	DISTRIBUTION	-	-	-	2,000,000	-	2,000,000
80	Woodlark Water Well #2	UIF- W	DISTRIBUTION	-	-	-	1,500,000	-	1,500,000
81	Tilden Rd. Reuse (Belle Meade-Emrld. Ridge)	UIF- W	DISTRIBUTION	306,000	-	-	-	-	306,000
82	CR 545 Reuse (SR 50 to Johns Lk. Pt.)	UIF- W	DISTRIBUTION	-	427,500	-	-	-	427,500
83	Stoneybrook Reuse Main Extension	UIF- W	DISTRIBUTION	-	241,000	-	-	-	241,000
84	Courtlea Park/Oak Glenn Reuse Main Ext.	UIF- W	DISTRIBUTION	287,500	-	-	-	-	287,500
85	Lakehurst Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	624,000	-	-	624,000
86	Pebble Ridge Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	588,000	-	-	588,000
87	Foxhunt Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	132,000	-	-	132,000
88	Brookhaven/Vineland Reuse Main Ext.	UIF- W	DISTRIBUTION	-	-	576,000	-	-	576,000
89	Wintermere Harbour Reuse Main Ext. & Retro	UIF- W	DISTRIBUTION	-	-	-	-	324,000	324,000
90	Wintermere Pt. Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	-	-	1,224,000	1,224,000
91	Windward Cay Reuse Main Ext. & Retrofit	UIF- W	DISTRIBUTION	-	-	-	-	288,000	288,000
92	Fuller's Cross 16" Water Main Ext.	UIF- W	DISTRIBUTION	-	346,000	346,000	-	-	692,000
93	Tilden Rd. 12" Water Main Ext. (East & West)	UIF- W	DISTRIBUTION	-	-	48,000	409,000	412,000	869,000
94	Plant St. Segment 2 Water Main	UIF- W	DISTRIBUTION	255,500	-	-	-	-	255,500
95	Plant St. Segment 2 Reuse Main	UIF- W	DISTRIBUTION	255,500	-	-	-	-	255,500
96	Plant St. Segment 3 Water Main	UIF- W	DISTRIBUTION	203,500	-	-	-	-	203,500

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97	Plant St. Segment 3 Reuse Main	UIF- W	DISTRIBUTION	203,500	-	-	-	-	203,500
98	Potable Water: UIF-W Sub-Total			1,759,935	1,132,163	2,351,655	3,950,400	2,248,000	11,442,153
99	Utility Line Relocation SR 50 (Construction)	URR- W	DISTRIBUTION	577,000	-	-	-	-	577,000
100	Potable Water: URR-W Sub-Total			577,000	-	-	-	-	577,000
101	Main Street - Story To Vining (Design & Construction)	U-W	DISTRIBUTION	27,000	-	-	-	-	27,000
102	Midget Place - Surprise to Palm (Design & Construction)	U-W	DISTRIBUTION	4,600	30,750	-	-	-	35,350
103	North Dillard - Surprise to Division (Design & Construction)	U-W	DISTRIBUTION	-	-	8,395	41,975	-	50,370
104	Potable Water: U-W Sub-Total			31,600	30,750	8,395	41,975	-	112,720
105	Potable Water Total			2,368,535	1,162,913	2,360,050	3,992,375	2,248,000	12,131,873
106	TOTAL			\$24,130,996	\$15,023,746	\$17,790,469	\$11,699,325	\$3,161,340	\$71,737,536

Fund Source Codes:

- GO - General Fund
- GIF - General Fund Impact Fee
- LOGT - Local Option Gas Tax
- S - Stormwater Fund
- SW - Solid Waste Fund
- U-W - Utility Water
- U-WW - Utility Waste Water
- UIF-W - Utility Impact Fee Water
- UIF-WW - Utility Impact Fee Waste Water
- URR-W - Utility Renewal and Replacement Water
- URR-WW - Utility Renewal and Replacement Waste Water
- ARRA - American Recovery and Reinvestment Act (Stimulus Funds)

Notes:

- 1 - Source: FDOT 5, Mr. John Moore, Systems Planner, 10/22/2010

Exhibit "A"
 (continued)
City of Winter Garden
5-Year Schedule of Capital Improvements
2010/2011 - 2014/2015

Table 2: Expenditure Summary by Functional Category

Functional Category	Fiscal Year					Total
	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	
Parks and Recreation	1,200,000	641,000	350,000	585,000	345,000	3,121,000
Roadway	11,948,151	10,130,000	15,780,000	0	71,000	37,858,151
Stormwater	251,415	1,988,970	151,390	106,605	0	2,498,380
Solid Waste	435,816	0	0	0	0	435,816
Sanitary Sewer	2,843,610	1,105,005	1,910,895	7,015,345	500,000	12,874,855
Potable Water	2,368,535	1,162,913	2,360,050	3,992,375	2,248,000	12,131,873
Total	\$19,047,527	\$15,027,888	\$20,552,335	\$11,699,325	\$3,164,000	\$69,420,075

Table 3: Fund Summary by Revenue Source

Functional Category	Revenue Source	Fiscal Year					Total
		2010/2011	2011/2012	2012/2013	2013/2014	2014/2015	
Parks and Recreation							
	General Fund	1,200,000	641,000	350,000	585,000	345,000	3,121,000
	Sub-Total	1,200,000	641,000	350,000	585,000	345,000	3,121,000
Roadway							
	General Fund Impact Fee	-	10,000,000	3,250,000	-	-	13,250,000
	External Funding Sources	11,948,151	130,000	9,768,134	-	71,000	24,608,151
	Sub-Total	11,948,151	10,130,000	15,780,000	-	71,000	37,858,151
Stormwater							
	Stormwater Fund	251,415	1,988,970	151,390	106,605	-	2,498,380
	Sub-Total	251,415	1,988,970	151,390	106,605	-	2,498,380
Solid Waste							
	Solid Waste Fund	435,816	-	-	-	-	435,816
	Sub-Total	435,816	-	-	-	-	435,816
Sanitary Sewer							
	Utility Fund	-	-	-	-	-	-
	Utility Impact Fee	1,776,600	861,960	1,777,450	6,900,000	500,000	11,316,010
	Utility Renewal and Replacement	1,067,010	243,045	133,445	115,345	-	1,558,845
	Sub-Total	2,843,610	1,105,005	1,910,895	7,015,345	500,000	12,874,855
Potable Water							
	Utility Impact Fee	1,759,935	1,132,163	2,351,655	3,950,400	2,248,000	11,442,153
	Utility Renewal and Replacement	577,000	-	-	-	-	577,000
	Utility Water	31,600	30,750	8,395	41,975	-	112,720
	Sub-Total	2,368,535	1,162,913	2,360,050	3,992,375	2,248,000	12,131,873
	Total	\$19,047,527	\$15,027,888	\$20,552,335	\$11,699,325	\$3,164,000	\$69,420,075