



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

March 13, 2014

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 Kent Makin, Robert Olszewski and Colin Sharman

Absent: Commissioner Bob Buchanan

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, City Clerk Kathy Golden, Assistant to City Manager - Public Services Don Cochran, Assistant to City Manager – Administrative Services Frank Gilbert, Community Development Director Ed Williams, Finance Director Laura Zielonka, Fire Chief John Williamson, Police Chief George Brennan, Building Official Skip Lukert, Economic Development Director Tanja Gerhartz, Recreation Director Jay Conn, and West Orange Times Reporter Peter M. Gordon

1. **APPROVAL OF MINUTES**

Motion by Commissioner Makin to approve regular meeting minutes of February 27, 2014 as submitted. Seconded by Commissioner Olszewski and carried unanimously 4-0.

2. **PRESENTATION**

Mayor Rees read and presented Proclamation 14-03 to Fire Chief John Williamson honoring him on his retirement. Chief Williamson came forward and shared some of his experiences and his appreciation for the City of Winter Garden.

3. **GENERAL ELECTION RESULTS**

A. **Resolution 14-02:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DECLARING THE RESULTS OF THE ELECTION HELD ON MARCH 11, 2014 FOR MAYOR/COMMISSIONER DISTRICT 5 AND COMMISSIONER DISTRICT 1 AND AUTHORIZING ISSUANCE OF CERTIFICATES

City Clerk Golden read the official election totals as supplied by the Orange County Canvassing Board and attached to the resolution.

Motion by Commissioner Olszewski to approve Resolution 14-02. Seconded by Commissioner Sharman and carried unanimously 4-0.

4. **OATH OF OFFICE**

A. **Commissioner District 1 and Mayor/Commissioner District 5 as elected on March 11, 2014**

City Clerk Golden administered the Oath of Office to Kent Makin, Commissioner District 1 and John Rees, Mayor/Commissioner District 5 as elected on March 11, 2014.

5. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

- A. **Ordinance 14-13:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.22 ± ACRES LOCATED AT 450 WEST STORY ROAD AT THE SOUTHWEST CORNER OF WEST STORY ROAD AND FOSTER AVENUE INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- B. **Ordinance 14-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 0.22 ± ACRES OF LAND LOCATED AT 450 WEST STORY ROAD AT THE SOUTHWEST CORNER OF WEST STORY ROAD AND FOSTER AVEUNE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- C. **Ordinance 14-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.22 ± ACRES OF REAL PROPERTY GENERALLY LOCATED AT 450 WEST STORY ROAD AT THE SOUTHWEST CORNER OF WEST STORY ROAD AND FOSTER AVENUE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-13, 14-14, and 14-15 by title only. Community Development Director Williams stated that this is a voluntary annexation and a request for initial comprehensive plan designation and zoning. The applicant wishes to be in the City and obtain City services. This has been reviewed by staff and the Planning and Zoning Board; both recommend approval of all three ordinances.

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

Motion by Commissioner Makin to approve Ordinances 14-13, 14-14, and 14-15 with the second reading and public hearing being scheduled for March 27, 2014. Seconded by Commissioner Sharman and carried unanimously 4-0.

- D. **Ordinance 14-16:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 1.75 ± ACRES LOCATED AT 13100 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST

COLONIAL DRIVE, EAST OF 5TH STREET AND WEST OF 9TH STREET INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- E. **Ordinance 14-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 1.75 ± ACRES LOCATED AT 13100 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF 5TH STREET AND WEST OF 9TH STREET FROM ORANGE COUNTY COMMERCIAL TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- F. **Ordinance 14-18:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 1.75 ± ACRES LOCATED AT 13100 WEST COLONIAL DRIVE ON THE SOUTH SIDE OF WEST COLONIAL DRIVE, EAST OF 5TH STREET AND WEST OF 9TH STREET FROM ORANGE COUNTY C-3 COMMERCIAL DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 14-16, 14-17, and 14-18 by title only. Community Development Director Williams stated that this is a voluntary annexation and a request for a comprehensive plan designation and zoning. The property is known as the R. D. King property, which has been closed for redevelopment and they wish to receive City services to facilitate redeveloping the property. This item has been reviewed by staff and the Planning and Zoning Board; both recommend approval of all three ordinances.

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

Motion by Commissioner Olszewski to approve Ordinances 14-16, 14-17, and 14-18 with the second reading and public hearing being scheduled for March 27, 2014. Seconded by Commissioner Makin and carried unanimously 4-0.

6. **REGULAR BUSINESS**

- A. **Recommendation to approve bids and award contract for Woodlark Well #2 project to A. C. Schultes of Florida, Inc. in the amount of \$1,036,167.00, which includes a ten percent contingency**

Assistant City Manager of Public Services Cochran stated that on February 5, 2014, the City received bids for the Woodlark Well #2 project. The Woodlark well is located on the north side of Emerald Ridge, just off of Stoneybrook Parkway. He noted that there is one existing well and one existing tank. He indicated that should anything happen to either the tank or the well, the south side of the City would be in dire straits for drinking

water. He noted that tonight's item addresses the bid for the second well, with the bid for the second tank to come in about a month.

He noted that the low bid for well #2 is A. C. Shultes of Florida, Inc. with a bid of \$941,970. The City's engineer has submitted a letter of recommendation establishing them as the most responsive and lowest qualified bidder. Staff requests approval for the \$941,970 with a ten percent contingency for a total of \$1,036,167.00.

Mayor Rees asked if staff was confident in their bid because they are about 18 percent lower than the next lowest bid, with the other three being close. Mr. Cochran responded that this was a question that staff had and the engineers checked with the contractor's references, which all came back with positive comments.

Commissioner Sharman noted there was a mathematical error made by one of the bidder's. Mr. Cochran responded that this is not uncommon with bids. He noted that it is the responsibility of our engineer to thoroughly review bid totals and make those corrections.

Motion by Commissioner Olszewski to approve the bids and award contract for Woodlark Well #2 project to A. C. Schultes of Florida, Inc. in the amount of \$1,036,167.00, which includes a ten percent contingency. Seconded by Commissioner Sharman and carried unanimously 4-0.

B. Recommendation to approve bids and award contract for Lift Station #23 improvements to US Water Services Corporation in the amount of \$419,770.41, which includes a ten percent contingency

Assistant City Manager of Public Services Cochran stated that this bid is for lift station #23, which everyone knows as the lift station on Ninth Street. City staff has worked to solve the odor problems by building our own odor control system. He noted that it is homemade and may need rebuilding at some point. Odor control was included in the specifications for this project.

Mr. Cochran stated that US Water Services Corporation was the lowest bid submitted with the odor control system at \$381,609.46. Our engineer did check references and recommends them as the lowest responsive and responsible bidder. Staff recommends including a ten percent contingency bringing the total contract cost to \$419,770.40.

Commissioner Olszewski asked how long it will take for this project from start to completion. Mr. Cochran responded that it is planned to be started as soon as possible within up to 30 days after the approval for them to get started on the work. He noted that the first bidder had bid too low for staff to be confident that they could complete the job. In the meantime, this bidder was allowed to withdraw and staff purchased his materials and they are available for use in this project. This will allow the project to begin within at least 60 days.

Commissioner Olszewski again asked about the timeframe. Mr. Cochran noted that he believes it to be within 90 to 120 days. Commissioner Olszewski expressed his concerns about it being close to the heat of summer, which makes him nervous about a possible smell factor. Mr. Cochran explained some of the process.

Motion by Commissioner Olszewski to approve bids and award contract for Lift Station #23 improvements to US Water Services Corporation in the amount of \$419,770.41, which includes a ten percent contingency. Seconded by Commissioner Sharman and carried unanimously 4-0.

C. Recommendation to approve Change Order #4 increasing the contract amount for E. Plant Street Segment 2 by \$600,722.77 to cover the cost of improvements to Segment 4

Assistant City Manager of Public Services Cochran stated that the City Manager has spoken to him regarding this item and wishes to pull this and bring it back at a later date with some renderings of what the roadway will look like.

Motion by Commissioner Sharman to POSTPONE this item as requested by staff. Seconded by Commissioner Makin and carried unanimously 4-0.

City Manager Bollhoefer noted that the Plant Street project is ahead of schedule and DeWitt is doing a good job; he has had no complaints.

D. Recommendation to approve revisions to the Community Development Block Grant Purchasing Policy and Minority Enterprise Policy

Economic Development Director Gerhartz stated that this item is a revision to a policy the City Commission adopted a few months back. She noted that the Community Development Block Grant (CDBG) regulations that the City Commission previously adopted must meet State and Federal guidelines. She noted that the purchasing policy changes are required by the State and are shown in red. Any purchase over \$1,000 has to follow their process.

Ms. Gerhartz updated the City Commission on the current CDBG process noting that applications have been submitted. The Consultant for the City is going through their due diligence process to determine which of the applications meet the criteria. Staff is hopeful to award some grants by the end of spring.

Commissioner Olszewski asked the number of applicants that applied. Ms. Gerhartz estimated more than 30. Commissioner Olszewski asked about expectations of how many would actually be awarded. Ms. Gerhartz responded that it would be based on the amount allocated for each home and guesses 12 to 15.

Motion by Commissioner Olszewski to approve the revisions submitted by staff to the Community Development Block Grant Purchasing Policy and Minority

Enterprise Policy. Seconded by Commissioner Sharman and carried unanimously 4-0.

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

Police Chief Brennan stated that this item is the agreement for the Orange County School Board School Resource Officer services between Orange County Public Schools and the Winter Garden Police Department for the school year of 2013 – 2014. He noted that this is extremely late coming due to contract negotiations, but we did realize a 25 percent increase in fees over last year.

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

F. Recommendation to approve swapping City-owned land at 270 W. Plant Street with the 252 W. Plant Street Partnership for their land at 252 W. Plant Street and paying for the additional incurred costs

City Manager Bollhoefer stated that staff would like to postpone this item until the next meeting to get additional information.

Motion by Commissioner Makin to POSTPONE this item as requested by staff. Seconded by Commissioner Sharman and carried unanimously 4-0.

G. Resolution 14-03: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, APPOINTING A MAYOR PRO-TEM

City Attorney Ardaman read Resolution 14-03 by title only. Mayor Rees stated that he feels that Commissioner Bob Buchanan has done a good job as Mayor Pro-Tem and asked the Commission if they want to reappoint him. If not, the appointment can be postponed. He is sure Commissioner Buchanan would like to continue as Mayor Pro-Tem.

Motion by Commissioner Olszewski to approve Resolution 14-03 appointing Commissioner Buchanan as Mayor Pro-Tem. Seconded by Commissioner Makin and carried unanimously 4-0.

7. MATTERS FROM PUBLIC

David Kassander, 15155 Ovation Drive, Winter Garden, Florida, congratulated the Mayor and the Commissioner of District 1 on their being re-elected. He also thanked the City Manager for his efforts in getting a crosswalk between Tilden and Belle Meade for the Foundation Academy so quickly.

City Manager Bollhoefer recognized Assistant City Manager of Public Services Cochran as having getting it done and stated that he has never seen Orange County do anything that fast in his entire career.

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

9. **MATTERS FROM CITY MANAGER** – There were no items.

10. **MATTERS FROM MAYOR AND COMMISSIONERS**

Commissioner Makin thanked everyone for coming out and for the support he received during the election. He thanked City staff for all that they do.

Commissioner Olszewski congratulated Commissioner Makin and Mayor Rees on their re-election. He thanked City staff for their hard work.

Commissioner Sharman thanked those that were re-elected for their service stated. He stated that what he likes is that even though they have different opinions, they respect each other and work through them. He believes the citizens would agree the City Commission is doing a good job for them and reflects on all the hard work accomplished by City staff.

Mayor Rees stated that the City Commission always brags on City staff and noted that this election showed how good a job they do out in the public.

The meeting was adjourned at 7:16 p.m. At the request of Commissioner Sharman, Mayor Rees reopened the meeting for item he had.

Commissioner Sharman asked that the City Clerk to bring back to the next meeting term limits for the Canvassing Board, as has been done for other boards.

The meeting was re-adjourned at 7:16 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC