



CITY OF WINTER GARDEN

CITY COMMISSION REGULAR MEETING MINUTES

May 28, 2015

A **REGULAR MEETING** of the Winter Garden City Commission was called to order by Mayor Pro-Tem Buchanan at 6:30 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present: Mayor Pro-Tem Bob Buchanan, Commissioners Kent Makin, Robert Olszewski and Colin Sharman

Absent: Mayor John Rees

Also Present: City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Assistant City Clerk Angee Grimmage, Assistant City Manager - Public Services Don Cochran, Community Development Director Ed Williams, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Fire Chief Matt McGrew, Deputy Police Chief Bill Sullivan, and Recreation Director Jay Conn

1. **APPROVAL OF MINUTES**

Motion by Commissioner Makin to approve the Regular Meeting of May 14, 2015 as submitted. Seconded by Commissioner Olszewski and carried 4-0.

2. **PRESENTATIONS**

• **9/11 Memorial**

Judson "Judd" Kuneman with the American Legion, addressed the City installing the 9/11 memorial which is a steel high beam received from the 9/11 Twin Tower site in New York. He shared the history of how the memorial installation had been planned. He requested assistance from the City to press forward with the installation efforts. The plan is to have this memorial installed in the park in time for the memorial service in September and asked the Commission to help make this happen.

City Manager Bollhoefer gave a status update and stated the plan is to have this item ready for unveiling by the next 9/11 service. Commissioner Olszewski asked that the unveiling not conflict with a similar ceremony set for the Town of Windermere.

• **Winter Garden Squeeze**

General Manager of the Winter Garden Squeeze baseball team, Adam Bates, announced that the Winter Garden Squeeze is set to open for its second season. He shared that it is an opportunity to see very highly skilled college players from all over the country. The season runs from June 4th through August 9th with 45 scheduled games, of which 23 are at home.

3. **FIRST READING OF PROPOSED ORDINANCE**

A. **Ordinance 15-40:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 114, "VEGETATION", ARTICLE II, "LANDSCAPING," OF THE CITY OF WINTER GARDEN CODE OF ORDINANCES THROUGH THE AMENDMENT OF THE FOLLOWING SECTIONS: 114-26, "DEFINITIONS"; 114-31, "EXISTING DEVELOPED AREAS"; 114-32, "PERMIT REQUIREMENTS"; 114-33, "GENERAL LANDSCAPING REQUIREMENTS"; 114-34 SPECIFIC LANDSCAPING REQUIREMENTS; THE ADDITION OF THE FOLLOWING SECTIONS: 114-36, INVASIVE PLANTS AND NATIVE VEGETATION PRESERVATION; 114-37, APPROPRIATE PLANT SELECTION, LOCATION, AND ARRANGEMENT; 114-38, TURF AREAS; 114-39, IRRIGATION SYSTEM DESIGN AND INSTALLATION; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-40. Assistant City Manager of Public Services Cochran stated that the St. Johns River Water Management District strongly encourages Florida friendly landscape standards for vegetation, which is included in this proposed ordinance. He emphasized that the proposed changes have no impact on existing developments; it only impacts new developments or redevelopment that comes to the Commission after this item is adopted. There was discussion that this item is required in order for the City to get its consumptive use permit and this item will affect residential and commercial developments.

Motion by Commissioner Olszewski to approve Ordinance 15-40 with the second reading and public hearing being scheduled for June 11, 2015. Seconded by Commissioner Sharman and carried unanimously 4-0.

4. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

A. **Ordinance 15-50:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING THE CITY OF WINTER GARDEN FISCAL YEAR 2014-2015 BUDGET; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-50 by title and the following excerpt from Section 1 as follows:

REVENUES	
General Fund	\$997,701
Law Enforcement Trust Fund	21,353
Local Option Gas Tax Fund	55,906
Transportation Impact Fee-General Fund	1,955,548
Utility Operating Fund	1,170,553
Utility Impact Fee Fund	33,089
Utility Renewal and Replacement Fund	438,386
Stormwater Fund	660,658
Solid Waste Fund	<u>108,665</u>
	\$5,441,859

Mr. Ardaman also noted that the expenditures itemize identically to those of the revenues with the same total amount.

Finance Director Zielonka stated that this ordinance amends the current year's budget to account for all the changes that have happened since the approval of the original budget. She stated that Exhibit 1 shows the requested adjustments.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to approve Ordinance 15-50 with the second reading and public hearing being scheduled for June 25, 2015. Seconded by Commissioner Makin and carried unanimously 4-0.

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

- A. **Ordinance 15-28:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 1.93 +/- ACRES OF LAND GENERALLY LOCATED AT THE NORTHEAST CORNER OF DANIELS ROAD AND ROPER ROAD, FROM R-1 (SINGLE FAMILY RESIDENTIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-28 by title only. Community Development Director Williams shared that this is a request for a planned commercial development district for 17,250 square feet of office space. He noted that this will be primarily medical office space. It has been reviewed by staff and the Planning and Zoning Board and both recommend approval, subject to conditions.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinance 15-28. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- B. **Ordinance 15-34:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN 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

- C. **Ordinance 15-35:** 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 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY LOW MEDIUM DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- D. **Ordinance 15-36:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1050 VINELAND ROAD ON THE WEST SIDE OF VINELAND ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF WEST MORGAN STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-34, 15-35, and 15-36 by title only. Community Development Director Williams stated that this is a voluntary request for annexation, future land use designation, and zoning. He noted that there have been several other requests in this area for the same type of approvals. He noted that staff anticipates that it will, at some point, convert to an office type use. It has been reviewed by the Planning and Zoning Board and staff, and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinances 15-34, 15-35, and 15-36. Seconded by Commissioner Sharman and carried unanimously 4-0.

- E. **Ordinance 15-37:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND 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
- F. **Ordinance 15-38:** 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 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF

SOUTH WOODLAND STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- G. **Ordinance 15-39:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 50 EAST PALMETTO STREET, ON THE SOUTH SIDE OF EAST PALMETTO STREET EAST OF SOUTH MAIN STREET AND WEST OF SOUTH WOODLAND STREET 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 15-37, 15-38, and 15-39 by title only. Community Development Director Williams stated that the property owner is requesting voluntary annexation, future land use designation, and zoning. He noted that there is a small house that is for sale on a quarter acre lot. They anticipate that once the property is sold and redeveloped, it will need central services from the City. This has been reviewed by staff and the Planning and Zoning Board and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Sharman to adopt Ordinances 15-37, 15-38, and 15-39. Seconded by Commissioner Makin and carried unanimously 4-0.

- H. **Ordinance 15-41:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING ARTICLE VI, DIVISION 8 OF CHAPTER 118 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN CONCERNING ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-41 by title only. Community Development Director Williams stated that our current code does not allow for agricultural zoning and there has been a request to build a rather large greenhouse. This request requires changes be made to the City's Code. Approval is recommended.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 15-41. Seconded by Commissioner Makin and carried unanimously 4-0.

- I. **Ordinance 15-42:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 44.83 +/- ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF MARSH ROAD, EAST OF

HARBOR SAIL WAY AND WEST OF AVALON ROAD FROM CITY PUD PLANNED UNIT DEVELOPMENT DISTRICT TO CITY C-2 ARTERIAL COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-42 by title only. Community Development Director Williams stated that the City is the applicant on this item. The City was given this property in conjunction with certain improvements and road right-of-way projects in this area. He noted that this is a remnant parcel that is primarily wetlands. However, there are a couple of good upland acres in the northwest corner of the property that staff anticipates using for either a retention pond for the road widening or a future fire station site. In order to accomplish this, it was necessary to take it out of the existing plan development and establish a zoning consistent with the uses in the area. Approval is recommended.

Commissioner Makin asked if some of the wetlands could be used as mitigation property. Mr. Williams responded yes, it would have value because of the size of this wetland. There was discussion on mitigation and the impact the City would have on the property.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinance 15-42. Seconded by Commissioner Sharman and carried unanimously 4-0.

- J. **Ordinance 15-43:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE 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
- K. **Ordinance 15-44:** 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 0.87 ± ACRES LOCATED AT 844 EAST CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- L. **Ordinance 15-45:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.87 ± ACRES LOCATED AT 844 EAST

CROWN POINT ROAD ON THE WEST SIDE OF EAST CROWN POINT ROAD NORTH OF CROWN POINT CROSS ROAD AND SOUTH OF MISTFLOWER LANE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-43, 15-44, and 15-45 by title only. Community Development Director Williams stated that the West Orlando Baptist Church came to the City with a large expansion project to the north of this parcel. He noted they have since been able to acquire this out-parcel; and are asking to annex it and give it a future land use designation and zoning so that they can incorporate it into their future expansion plans. This is has been reviewed by staff and the Planning and Zoning Board and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Makin to adopt Ordinances 15-43, 15-44, and 15-45. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- M. **Ordinance 15-46:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND 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
- N. **Ordinance 15-47:** 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 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- O. **Ordinance 15-48:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.98 ± ACRES LOCATED AT 698 TILDENVILLE SCHOOL ROAD ON THE WEST SIDE OF TILDENVILLE SCHOOL ROAD NORTH OF WEST COLONIAL DRIVE AND SOUTH OF EAST OAKLAND AVENUE FROM ORANGE COUNTY A-1 AGRICULTURAL DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinances 15-46, 15-47, and 15-48 by title only. Community Development Director Williams stated that this is a voluntary request by the property owner for annexation, future land use designation, and zoning. He noted that they intend to use the property for residential purposes. The Planning and Zoning Board and staff have reviewed it and both recommend approval.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Commissioner Sharman asked if it was a unanimous vote by the Planning and Zoning Board. Mr. Williams responded yes.

Motion by Commissioner Sharman to adopt Ordinances 15-46, 15-47, and 15-48. Seconded by Commissioner Makin and carried unanimously 4-0.

- P. **Ordinance 15-49:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING SECTION 102-1 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO CLARIFY CERTAIN DEFINITIONS AND TO ADD A DEFINITION FOR DIGITAL BILLBOARD AND DIGITAL BILLBOARD SIGNS; AMENDING SECTION 102-92 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN TO PROHIBIT DIGITAL BILLBOARD SIGNS EXCEPT UNDER LIMITED CONDITIONS AS A SPECIAL EXCEPTION AND PURSUANT TO A RELOCATION AND RECONSTRUCTION PLAN AND AGREEMENT; CREATING SECTION 102-94 OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN PROVIDING FOR RELOCATION AND RECONSTRUCTION AGREEMENTS FOR BILLBOARDS AND DIGITAL BILLBOARDS; PROVIDING FOR CRITERIA AND REGULATIONS GOVERNING DIGITAL BILLBOARDS; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 15-49 by title only. Community Development Director Williams stated that there had been no additional comments from the public on this item. In summary, this allows for the removal of certain billboards and the relocation or replacement of those billboards with a digital billboard under certain conditions and requirements. The heart of the changes is in the relocation and reconstruction agreement, which will be negotiated by staff and then brought to the City Commission for final consideration and approval. Any standard in this set of revisions is open for discussion and possible change through that agreement. Approval is recommended of the changes.

There was discussion on the number of current billboards in the City which was estimated to be between 15 and 20. Also discussed were the City locations versus County locations as it pertains to billboards, their locations, and separation distances.

Mayor Pro-Tem Buchanan opened the public hearing; hearing and seeing none, he closed the public hearing.

Motion by Commissioner Olszewski to adopt Ordinance 15-49. Seconded by Commissioner Sharman and carried unanimously 4-0.

6. **PUBLIC HEARING MATTER**

A. **Consider condemning property located at 160 East Plant Street, Winter Garden, Florida; Owner: Winter Garden Gateway Corporation**

Community Development Director Williams requested postponement of this item to June, 25, 2015 at 6:30 p.m.

Motion by Commissioner Sharman to POSTPONE considering the condemning of property located at 160 East Plant Street, Winter Garden, Florida until June 25, 2015 at 6:30 p.m. Seconded by Commissioner Makin.

Commissioner Makin asked why the postponement. Mr. Williams responded that the timeframes have changed since the last time staff submitted the matter to the Commission. The owner has submitted a large packet of information for staff to review. He noted they are making progress and have spent a great deal of time and money in preparing the information. He noted that an additional adjustment to the hearing date may be needed in order to finalize a schedule when repairs will start and finish.

Commissioner Makin expressed his concerns of this matter being prolonged. Mr. Williams assured the Commission that staff believes substantial progress is being made with the packet they have submitted. If they do not follow through, then staff will ask the Commission to move forward with the condemnation.

Stephen Chong, of Mateer Harbert, P.A., representative for the Winter Garden Gateway Corporation, stated that he reiterates what Director Williams has indicated. They have worked out a schedule of documents to be submitted by certain dates and have complied with the items agreed upon. Staff has now stated that they need time to review it and they are happy to wait and work with the City.

Motion carried unanimously 4-0.

7. **REGULAR BUSINESS**

A. **Recommendation to approve Right-of-Way Maintenance Agreement with Belle Meade Residents Association, Inc.**

Community Development Director Williams shared that the Belle Meade project is a gated community. However, their entry gate and key locks are in public right of way, which is on a road that is City property. This agreement allows for them to make repairs and improvements to their gating and how it operates. Staff recommends approval.

Motion by Commissioner Sharman to approve Right-of-Way Maintenance Agreement with Belle Meade Residents Association, Inc. Seconded by Commissioner Makin and carried unanimously 4-0.

B. Recommendation to award Downtown Parking Garage Design-Build Project (AS15-13012) to Finrock, Inc., with public comment

City Manager Bollhoefer noted that this project has been in the works for a little over 2 ½ years. He shared that the parking situation has gotten worse as more and more people come to the downtown area. He stated that we recently went out for bid of the design build process and had three submittals. The committee met and chose who they believe is the best submittal for the garage.

Mr. Bollhoefer displayed the conceptual drawings from the selected garage design by Finrock, Inc. He noted that the number one concern and priority of all the businesses, residents, and the City Commission was that this garage fit into the City of Winter Garden. He shared that there was a mandatory meeting when the request for submittals was released. He noted that in their presentation to the submitters they were told that first and foremost the most critical requirement was the design of the garage and how it fits in with the City of Winter Garden. He noted that Finrock, Inc. was chosen and were at the highest cost submitted. They did include recommended areas on how to bring the cost down. One of those recommendations was to allow them to use their design standards. They also overestimated the cost of moving utilities, which would bring their cost down to \$7 million. Mr. Bollhoefer stated that if the City Commission was to decide to select Finrock, Inc., then staff would move forward to negotiate a contract to be brought back to the City Commission at the June 25th meeting. He noted that it was a five person committee with a 4 to 1 vote for Finrock, Inc. and one vote for Simmons who came in as number two.

Commissioner Olszewski inquired about the conceptual drawings showing a promotional billboard. Mr. Bollhoefer responded that it is just a conceptual drawing at this point.

Mayor Pro-Tem Buchanan opened the matter to public comments.

Louis Sanchez, of the Artec Group, 1343 Main Street, Sarasota, Florida, stated that he is the CEO of one of the submitted proposals. He voiced his concerns and disappointment because he felt there was no time to protest. The recommendation decision was filed after the time for protest. He noted that he had personal issues with the criteria because he does not feel that staff followed the criteria. His company followed the criteria. His company was the lowest bidder by approximately \$1.5 million they also gave the City 75 additional parking spaces and 40 bonus motorcycle parking spaces. He feels that the additional revenues their project would have given the City was superior. He gave some examples of their superior offerings. When reviewing the scoring criteria, he questioned how they could have the least amount of points for cost when they have the cheapest cost. He addressed the schedule, technical design, and how the selected design does not meet the life and safety code with only two stairwells. He asked how this was considered fair

and open, when they were allowed to come in at the end and negotiate design and price. He stated that this is not fair and open according to the Florida Statutes. It should have been the best value for the taxpayers.

City Manager Bollhoefer addressed some of the issues stated. He noted that there was a stated protest time in the packet and everyone was given the five days and no one protested within that time. He also noted that one of the top expert garage designers in the country reviewed the 577 spaces and said it would not work; the company overstated their spaces. He noted that the one of the problems was in the design on the third floor, which had the cars driving off the roof as a way to exit the garage. He stated that Artec has never built a garage and he was not comfortable with a company that has never built a garage. Mr. Bollhoefer stated that he does not feel that the design fit in with the City of Winter Garden. He shared that Finrock was not picked based on its cost but on all of the criteria. He noted that staff is comfortable with their decision and that they followed the law and still believe based on all the criteria that Finrock is the best selection.

Mr. Sanchez stated that corporately his company has built a couple of garages but his staff has built over 60 parking garages throughout the country and expressed that his staff and teams would be the builders.

The City Commission discussed the low number of bidders, comparative review of the designs, lawfulness of the choice, and the open stairwell designs.

Motion by Commissioner Makin to award the Downtown Parking Garage Design-Build Project (AS15-13012) to Finrock, Inc. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- C. **Resolution 15-07:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, DESIGNATING CERTAINS LANDS KNOWN AS SUNRIDGE BOULEVARD AS PART OF THE CITY STREET SYSTEM FOR PUBLIC RIGHT-OF-WAY USE; PROVIDING FOR RECORDING, CONFLICTS AND AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 15-07 by title only. Community Development Director Williams stated that when the Orange County School Board proposed to build an elementary and middle school in this area there was a commitment by a development, as part of their agreement, that to meet school concurrency, to build a road and extend utilities to those schools and provide the land. When it came time to build the schools, the developer was in financial trouble and funds were not available for building the road. They City stepped up, constructed the road, designed a four lane road, and did all the utilities to serve the school and surrounding properties. The road was made private until each property committed for their development and cost share of roads and utilities. All have signed agreements with the City to refund and pay for road widening and all the utilities. Staff recommends approval of the resolution which makes Sunridge a public road.

Mayor Pro-Tem Buchanan opened the matter to public comment.

Motion by Commissioner Sharman to approve Resolution 15-07. Seconded by Commissioner Makin and carried unanimously 4-0.

- D. **Resolution 15-08:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AUTHORIZING BINGO TO BE CONDUCTED AT A MUNICIPAL OWNED PROPERTY AS A FUNDRAISER TO BENEFIT THE “AMERICAN CANCER SOCIETY RELAY FOR LIFE” BY THE CITY EMPLOYEE TEAM, PURSUANT TO SECTION 849.0931(11)(D), FLORIDA STATUTES; PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Resolution 15-08 by title only. Community Relations Director Vaughn stated that bingo is a highly regulated game in the State of Florida. The Relay for Life group has been given a lot of inexpensive gifts and staff feels bingo would be a good way to bring these gifts out into the community and raise money. She noted that a resolution is required to meet Florida Statute requirements.

Mayor Pro-Tem Buchanan asked City Attorney Ardaman if this resolution covers all bases. City Attorney Ardaman responded that there are specific allowances under the Florida Statutes for bingo and other certain gambling activities, especially with non-profits involved and cities are not to make money.

City Manager Bollhoefer stated that the City has done this in the past and this resolution does cover us. Ms. Vaughn stated that the biggest point covered in this resolution is that this is being held in a municipality facility that requires a resolution be done to grant permission. She stated that this resolution is for that single evening on August 20th at the Jessie Brook Community Center at 6:00 p.m. with a \$10 cover charge.

Mayor Pro-Tem Buchanan opened the matter to public comment.

Motion by Commissioner Sharman to approve Resolution 15-08. Seconded by Commissioner Olszewski and carried unanimously 4-0.

- E. **Recommendation to authorize the purchase of 27 budgeted Self Contained Breathing Apparatuses and related equipment for a total purchase price of \$159,127 from Fisher Safety**

Fire Chief McGrew stated that staff is seeking approval to move forward with a budgeted purchase of self-contained breathing equipment and cylinders. He gave a brief history of his evaluation of the City’s Fire Department needs after becoming Fire Chief and worked with the City Manager to space these items out over time to have limited impact on the City’s budget. He noted that this purchase is one of those items and has been accounted for in the current budget.

Fire Chief McGrew shared that this breathing equipment is one of our most critical pieces of equipment that allows them to function as firefighters. The current equipment being used is 10 years old and reaching its end of life cycle and will be out of warranty next month. He noted that the City is able to piggyback the purchase with a purchase made by Orange County Fire Rescue from Fischer Safety, which will result in a significant savings to the City. Staff believes that this purchase is necessary, cost effective, ensures the safety of our firefighters, and is a benefit to the City.

Commissioner Sharman asked if the new apparatuses have the same warranty. Fire Chief McGrew responded yes, it is a 10 year warranty.

Motion by Commissioner Makin to authorize the purchase of 27 budgeted Self Contained Breathing Apparatuses and related equipment for a total purchase price of \$159,127 from Fisher Safety. Seconded by Commissioner Olszewski and carried unanimously 4-0.

F. **Recommendation to approve Use Agreement with the Garden Theatre for three (3) digital projectors**

City Manager Bollhoefer stated that at a previous meeting the City Commission approved contributing a significant portion of the cost to purchase these projectors for the theatre. He spoke of the successful use of the projectors in the recently sold out Peter Pan performance. He noted that it did wonders for the downtown's reputation and has taken the City to another level. Changes have been made and he recommends moving forward with the agreement.

Commissioner Olszewski asked that, as he and his wife are donors, is he able to vote on this item. Mr. Ardaman responded yes. Commissioner Olszewski confirmed that the City Commission's approval of \$100,000 to make the purchase has not yet been given. He confirmed that the wording reimbursement means that the City is finally paying them for the projectors that the City will own. Mr. Bollhoefer responded that is correct.

Commissioner Sharman shared that he saw the production of Peter Pan and what they were able to do with those projectors. He is looking forward to the next production and the enhancements. Mayor Pro-Tem Buchanan also shared his positive experience attending the production.

Motion by Commissioner Sharman to approve the Use Agreement with the Garden Theatre for three (3) digital projectors. Seconded by Commissioner Olszewski and carried unanimously 4-0.

8. **MATTERS FROM PUBLIC** – There were no items.

9. **MATTERS FROM CITY ATTORNEY**

City Attorney Ardaman noted that the door-to-door [handbill] ordinance from the last meeting will be moved forward to the June 25th meeting.

10. **MATTERS FROM CITY MANAGER**

City Manager Bollhoefer gave the City Commission updates on the status of two road projects at County Road 545 and Tilden as well as Windermere Road and Roberson.

11. **MATTERS FROM MAYOR PRO-TEM AND COMMISSIONERS**

Commissioner Olszewski congratulated and thanked Theo Graham for another outstanding Memorial Day event. He noted that the City of Winter Garden added a name of a Winter Garden resident from World War I to the Veterans Memorial.

Commissioner Olszewski congratulated staff and residents on the City of Winter Garden that for the second year in a row the City has had the highest property value growth in all of Orange County at 12.7 percent.

City Manager Bollhoefer thanked Community Relations Manager Vaughn for her work on the Memorial Day event.

Mayor Pro-Tem Buchanan spoke of the very well attended Memorial Day event.

The meeting adjourned at 7:41 p.m.

APPROVED:

_____/S/_____
Mayor John Rees

ATTEST:

_____/S/_____
City Clerk Kathy Golden, CMC