



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

March 23, 2023

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:32 p.m. at City Hall, 300 West Plant Street, Winter Garden, Florida. An Opening Invocation and Pledge of Allegiance were given.

Present:

Mayor John Rees
Commissioner District 1 - Lisa L. Bennett
Commissioner District 2 - Ron Mueller
Commissioner District 3 - Mark A. Maciel
Commissioner District 4 - Colin Sharman

Also Present:

City Manager Jon C. Williams
City Attorney A. Kurt Ardaman
City Clerk Angee Grimmage

1. **APPROVAL OF MINUTES**

Motion by Commissioner Mueller to approve regular meeting minutes of March 9, 2023 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **OATH OF OFFICE**

- A. Commissioner District 1 Lisa L. Bennett was administered the Oath of Office by Clerk Grimmage
- B. Mayor/Commissioner District 5 John Rees was administered the Oath of Office by City Clerk Grimmage
- C. An introduction and of Oath of Office was administered by Police Steve Graham to new Police Officers Hannah Wagner, Chad Burden, Christopher Zuccarello and Michael Orpilla

3. **PRESENTATION**

- A. A Downtown Winter Garden trash collection presentation was given by Assistant City Manager for Public Services Stephen Pash. He addressed issues relating to improving the trash pickup in the downtown area and displayed a new test system which would first roll out on Joiner Street. There was discussion on the equipment's operational time versus the typical average dumpster process, and it was noted that the time would improve after the learning period. Also noted was that the new system would be critter proof and quieter. Discussion ensued on the benefits of this process.

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

- A. **Ordinance 23-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 54, PENSIONS AND RETIREMENT, ARTICLE III, PENSION PLAN FOR FIREFIGHTERS AND POLICE OFFICERS, OF THE CODE OF ORDINANCES OF THE CITY OF WINTER GARDEN; AMENDING SECTION 54-189, FINANCES AND FUND MANAGEMENT;

PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Ordinance 23-01 by title only. Assistant City Manager for Administration Services Frank Gilbert stated that the proposed ordinance would amend section 54-189, Finances and Fund Management. The investment component of the Fire and Police pension plan would then align with the General Employee pension plan. The ordinance amendment was proposed and prepared by the City's Pension Attorney of Klausner, Kaufman, Jensen & Levinson and approved by the Fire and Police Pension Board. He noted that both pension plans are managed by the same company. The primary focus of the changes is the alignment of the language, then both pension plans would provide the same fund management responsibilities, duties and policies as established by the Pension Boards.

Mr. Gilbert noted that the Pension Board's actuary, Foster and Foster, have determined that there is no cost and the changes would have no impact on the actuarial assumptions used for determining the program funding requirements. Staff recommends approval.

Mayor Rees, hearing and seeing no other requests for public comment, closed the public hearing.

Motion by Commissioner Mueller to adopt Ordinance 23-01. Seconded by Commissioner Sharman and carried unanimously 5-0.

- B. **Ordinance 23-07:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 2.42 ± ACRES LOCATED AT 1123 ORANGE WEST BOULEVARD GENERALLY LOCATED SOUTH OF WEST COLONIAL DRIVE, WEST OF SOUTH PARK AVENUE, EAST OF ORANGE WEST BOULEVARD, AND NORTH OF MORNING DOVE DRIVE FROM C-2 (ARTERIAL COMMERCIAL DISTRICT) TO PCD (PLANNED COMMERCIAL DEVELOPMENT); PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Kurt Ardaman read Ordinance 23-01 by title only. Planning Director Kelly Carson stated that this is a request for PCD zoning for a 2.42± acre property located at 1123 Orange West Boulevard. She noted that the property is currently zoned C-2 and has a commercial future land use designation. The applicant is requesting to rezone the property to Planned Commercial Development (PCD). This is in order to permit the construction of a 14,000 square foot two-story office building and noted a future phase would house another office building. The main office would house a media company, which creates and records podcasts. Various site improvements and plans for the building was described. The Planning and Zoning Board recommended approval with an additional condition of hours of use for the electric go-carts. Staff recommends approval subject to conditions as noted by the Planning and Zoning Board.

There was discussion on the potential noise and how it could possibly affect the people that stay home during the day.

Mayor Rees, hearing and seeing no other requests for public comment, closed the public hearing.

Motion by Commissioner Mueller to adopt Ordinance 23-07. Seconded by Commissioners Sharman and carried unanimously 5-0.

5. **REGULAR BUSINESS**

A. Recommendation to approve Collective Bargaining Agreement between the City of Winter Garden and the Florida Police Benevolent Association (PBA) for the period of March 23, 2023, to September 30, 2025

Assistant City Manager for Administrative Services Frank Gilbert stated that the union representation for the Police Officers changed from the Fraternal Order of Police (FOP) to the Police Benevolent Association (PBA). This change resulted in the need to negotiate a new contract with the PBA. He noted that the proposed contract contains minor changes to the prior FOP contract with a de minimis financial impact. He explained the changes and noted clarifications within the contract, which were all agreed upon. He mentioned working with Police Chief Steve Graham, who agreed to all the changes in the revised contract. He expressed that the only change involving any financial impact was that of the removal of the \$60 cap for overtime to officers working City-sponsored events. The new PBA contract was ratified on March 8, 2023 by a unanimous vote of all 41 officers who voted. The contract, if approved, is good through March 23, 2023 through September 30, 2025.

Commissioner Sharman sought confirmation of items in Appendix C and it was noted that this was entry level based on surveys.

Motion by Commissioner Bennett to approve Collective Bargaining Agreement between the City of Winter Garden and the Florida Police Benevolent Association (PBA) for the period of March 23, 2023 to September 30, 2025. Seconded by Commissioner Sharman and carried unanimously 5-0.

B. Recommendation to approve and award Piggyback Contract with USSI, LLC using the Toho Water Authority Contract for sanitary sewer system inflow and infiltration inspection and repairs in the amount of \$100,000

Assistant City Manager for Public Services Stephen Pash noted that this is a request to approve and award a piggyback contract with USSI, LLC utilizing the Toho Water Authority contract to make repairs to the City's sewer lines. He gave a brief description for its purpose and noted water infiltration during heavy rainfalls, missing caps, and smoke testing. Staff recommends approval of this piggyback contract and also approval of a purchase order in the amount of \$100,000 to begin the work.

City Manager Jon C. Williams added that with the infiltration flow it takes up the capacity at the wastewater treatment plant. He informed of the expensive redesign that is in process, so any capacity that can be captured from infiltration and flow is well worth the funding.

Mayor Rees inquired of the number of locations deemed to be critical. Mr. Pash responded that the City has been working with this company and the City's GIS is mapping areas to show them for the ability to calculate how much flow can come through each lift station. He noted that there were currently four critical areas. There was discussion on the reduction percentage being substantial.

Motion by Commissioner Bennett to approve and award Piggyback Contract with USSI, LLC using the Toho Water Authority Contract for sanitary sewer system inflow and infiltration inspection and repairs in the amount of \$100,000. Seconded by Commissioner Maciel and carried unanimously 5-0.

C. Recommendation to approve waiving formal procurement process and award purchase order to Dale Beasley Construction in the amount of \$59,400

City Engineer Jim Monahan noted that there is subsidence occurring around the existing sanitary manhole at State Road 50 and 9th Street. It appears that the pavement is starting to sink. He indicated that this process has been accomplished on three other manholes further to the west and seems to be working. He explained the stabilization process of injecting a high density polyurethane into targeted areas, filling the gaps and then repaving. Staff recommends approval of waiving the formal process and award a purchase order in the amount of \$59,400 to Dale Beasley Construction to remedy the depression in State Road 50 and 9th Street.

There was discussion on this being an issue of concern for former Commissioner Bob Buchanan and it being the last one identified as needing immediate attention.

Motion by Commissioner Sharman to approve waiving formal procurement process and award purchase order to Dale Beasley Construction in the amount of \$59,400 to remedy the depression in State Road 50 and 9th Street. Seconded by Commissioner Maciel and carried unanimously 5-0.

D. Recommendation to approve work order to Mead & Hunt for design of a septic to sewer project in Teacup Springs area in the amount of \$298,250

City Engineer Jim Monahan stated that this is a request for approval of a work order for Mead & Hunt to Design a Septic to Sewer Project for the subdivisions of Magnolia Wood, Hillcrest and Teacup Springs Cove. He noted that these are Orange County water customers who are currently on septic systems adjacent to Lake Apopka. He spoke of grants being available for the construction of these projects to remove those septic systems and moving them to sewer, thus assuring the groundwater is clear and also

helping the lake. He spoke of proposed efforts in the project which would move to the construction phase. Staff recommends approval of the work order to Mead & Hunt for the design of a septic to sewer project in the Teacup Springs Area in the amount of \$298,250.

Mayor Rees inquired if there were requests from any residents of Magnolia Wood or Teacup Springs Cove. He noted that when this was annexed years ago, it was noted that the City was willing to provide this when the City was ready. Mr. Monahan responded that there was one resident, Ms. Willis, who has a friend connected with the St. Johns Water Management District. They would consult with her regarding the process as she has gone through this many times. He noted that she has also volunteered to speak with the neighbors in promotion of the project.

Motion by Commissioner Bennett to approve work order to Mead & Hunt for design of a septic to sewer project in Teacup Springs area for \$298,250. Seconded by Commissioner Mueller and carried unanimously 5-0.

E. Recommendation to approve SITE PLAN for property located at 851 9th Street, subject to conditions

Planning Director Kelly Carson stated that the applicant is requesting site plan approval for property located at 851 9th Street, which is a .85 acre property zoned C-2 with a commercial future land use designation. She described that they propose to build a 5,400 square foot commercial building that would be occupied by office, retail and flex uses. She explained some of the other site improvements. Staff has reviewed the application and recommends approval of the site plan, subject to staff conditions.

Motion by Commissioner Maciel to approve SITE PLAN for property located at 851 9th Street, subject to conditions. Seconded by Commissioner Sharman and carried unanimously 5-0.

F. Selection of Mayor Pro Tem

Commissioner Bennett voiced her desire to hold the position of Mayor Pro Tem.

Motion by Commissioner Sharman to appoint Commissioner Lisa L. Bennett as Mayor Pro Tem. Seconded by Commissioner Maciel. There was discussion on some of the duties involved. **Motion carried unanimously 5-0.**

6. **MATTERS FROM PUBLIC**

Larry Guest, 417 S. Main Street, Winter Garden, Florida, addressed speeding on South Main Street, noting efforts had been made toward the issue in the installation of stop signs in certain areas on the street. Mr. Guest was informed that the City Manager would address this city-wide issue further in his address during this meeting.

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

8. **MATTERS FROM CITY MANAGER**

City Manager Jon C. Williams noted that he would provide two presentations on Tucker Ranch and traffic, but first noted some upcoming activities in the downtown area.

Mr. Williams noted the distribution of information regarding downtown activities, which included the drone surveillance for a parking study, the Shop, Dine and Stroll event on March 25, 2023, Spring Fever in the Garden on April 1 – 2, 2023 and associated road closures.

Tucker Ranch

City Manager Jon C. Williams provided an update on Tucker Ranch, displaying a concept of the Tucker Ranch Wellness Park. He described some of the components of the park, noted a retreat center, ranch house, demonstration kitchen, and explained the timeline for bidding, contract negotiations and construction. He described the wellness focus and noted certain partnerships in this effort.

Commissioner Mueller thanked the City Manager and staff for their efforts in this process and noted other improvement efforts in the area.

Traffic Management

City Manager Jon C. Williams provided an update on efforts related to traffic in the City, noting that complaints are being received almost daily. He stated that the City is taking these calls very seriously and noted that efforts are being made to address the concerns in three phases: monitor, enforcement and control. He spoke of efforts to reduce speed citywide, speed enforcement, use of technology, signage, and traffic calming measures. He described some of the primary objectives, citywide traffic calming plans, vision zero policy, and a safety action plan. He detailed some of the enforcement efforts, which are primarily the Winter Garden Police Department and use of technology such as municipal warning systems. Other items mentioned included state law prohibitions, speed cameras and warning notices, and the availability of traffic data on driver behavior provided from the cameras. Also noted was control in the areas of traffic calming measures, which would be permanent and temporary. He displayed some of the proposed control ideas. He addressed the next steps in the area of the traffic management efforts and detailed some proposed pilot programs.

Discussion ensued relating to long and short term goals, added traffic police patrol, red light cameras and temporary solutions. Mayor Rees noted the effectiveness of Police patrol in other cities. Mr. Williams suggested that he would like to have the habitual speeder's insurance companies be made aware of their speeding. City Attorney Ardaman noted that, from a legal standpoint, he was not aware of any cities imposing penalties and voiced that the City of Winter Garden might be a test case. Commissioner Mueller agreed that the use of technology is easy to deploy in the short term.

Mayor Rees voiced his appreciation to Police Chief Steve Graham and suggested that he and the City Manager get together and review what they are able to do.

Commissioner Maciel addressed the amount of tickets being written and agreed that this is a good way to get people to slow down. He voiced that he would like to see that reputation here in Winter Garden. He inquired of whether more tickets could be written.

Police Chief Graham stated that the officers are encouraged to do a lot of traffic control and expectations are to find at least three violations per shift. He shared some of the efforts during and after the COVID-19 lockdowns and a progression back to ramp up efforts. He voiced that we are not looking to punish, but to educate. He noted that there is a way of tracking warnings to those that have been stopped and they are less likely to speed after that. He shared some of the critical responsibilities of the officers, but noted that traffic is a real concern. He further shared efforts related to Police staffing efforts. Police Chief Graham described some of his officer staffing and training issues at the request of Commissioner Sharman. He expressed that we are doing the best we can and hear the City Commission’s concerns. The City Commission voiced their appreciation of the Police at this time.

9. MATTERS FROM MAYOR AND COMMISSIONERS

Commissioner Sharman mentioned the workshop held prior to the City Commission meeting where some commissioners were able to voice their priorities for the City.

Commissioner Mueller shared his experience on the Charter Review Committee as it related to the term of office being extended to four years in an effort to keep the continuity in keeping the knowledge of those serving. He congratulated Mayor Rees and Commissioner Bennett on being the first recipients to benefit of the four-year term.

Commissioner Bennett excitedly mentioned the Evening at the Pops on Saturday and noted that it is always a signature event for the City of Winter Garden.

Mayor Rees mentioned that the Evening at the Pops event would be great, and he wished Commissioner Bennett a very Happy Birthday.

The meeting adjourned at 7:46 p.m.

ATTEST:

APPROVED:

/s/

 City Clerk Angee Grimmage, CMC

/s/

 Mayor John Rees