



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

June 9, 2022

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. 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 May 26, 2022 as submitted. Seconded by Commissioner Maciel and carried unanimously 5-0.

2. **PRESENTATION**

A. Police Chief Steve Graham introduced and administered the oath of office to Officers Rafeeq Siddiqui, Christopher Garcia and Ashley Gray. Mayor Rees and the City Commission welcomed the new officers.

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

A. **Ordinance 22-14:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF MULTIPLE PARCELS OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 48.07 ± ACRES LOCATED EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF STATE ROAD 429, NORTH OF EAST MAPLE STREET, AND SOUTH OF EAST PLANT STREET FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

B. **Ordinance 22-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING MULTIPLE PARCELS OF LAND BEING APPROXIMATELY 48.07 ± ACRES LOCATED EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF STATE ROAD 429, NORTH OF EAST MAPLE STREET, AND SOUTH OF EAST PLANT STREET FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-4 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-14 and 22-15 by title only. Community Development Director Stephen Pash stated that these ordinances are to apply a future land use designation and zoning districts to residential properties that were annexed

during the East Winter Garden interlocal agreement with Orange County. He noted that the properties would be assigned a future land use designation of low density residential and R-4 zoning districts. He described the R-4 district as a single family district that allows 50 foot wide lots, consistent with these lots that were platted in the 1940s. Staff recommends approval.

Commissioner Maciel inquired if there were large tracts that would be divided into 50 foot wide lots at some point. Mr. Pash responded that there are some larger pieces off of Trumbo Street and in that area, which could ultimately be divided into smaller lots. There was discussion on the lots being kept as the 50 size to keep it consistent with that surrounding area and what was platted in the 1940s and it does not make any non-conforming issues. Commissioner Maciel expressed that he is not for taking away people's property rights.

Commissioner Mueller voiced concerns of leaving this as R-4 leaves this in a future state where there would always be tiny little lots and tiny little houses. He does not feel that drives this to be a more thriving area over long term use. He feels it would be better to move this to an R-2 zoning, which would be more beneficial to the City. Then they would go through the variance process for the existing properties until such time as those can convert over to R-2. Community Development Director Stephen Pash responded that R-4 has the 50-foot wide lots that have smaller side yard setbacks and is more consistent with what is developed in that area. He described the R-2 zoning requirement of a 75-foot wide lot and a 10-foot side yard setback, which would be inconsistent with the plats done in the 1940s. He shared that this not being consistent with what is in that area could be harmful, which is why the City tries to stay consistent with what is already there.

There was discussion on the long term future use, affordability, expense related to combining lots, added unnecessary layers of bureaucracy for simple additions, and heavier burdens and potential property rights issues if zoned R-2.

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

Motion by Commissioner Maciel to approve Ordinance 22-14 and 22-15 with the second reading and public hearing being scheduled for June 23, 2022. Seconded by Commissioner Sharman. Commissioner Mueller requested separation of the two ordinances while the motion was in process. **Motion carried 4-1; Commissioner Mueller opposed.**

- C. **Ordinance 22-16:** 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 APPROXIMATELY 0.525 ± ACRES LOCATED AT 1351 EAST BAY STREET, EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF BETHUNE AVENUE, NORTH OF EAST BAY STREET, AND SOUTH OF EDGEWAY DRIVE FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY RESIDENTIAL NEIGHBORHOOD COMMERCIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

- D. **Ordinance 22-17:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.525 ± ACRES LOCATED AT 1351 EAST BAY STREET, EAST OF SOUTH WEST CROWN POINT ROAD, WEST OF BETHUNE AVENUE, NORTH OF EAST BAY STREET, AND SOUTH OF EDGEWAY DRIVE FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-NC RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE

City Attorney Ardaman read Ordinance 22-16 and 22-17 by title only. Community Development Director Stephen Pash stated that these ordinances is to apply a future land use designation of residential neighborhood commercial and zoning of RNC to property located at 1351 East Bay Street. This property was annexed as part of the interlocal with Orange County and has always been developed as a convenient store. The proposed future land use and zoning are consistent with the existing use and the surrounding areas. Staff recommends approval of Ordinances 22-16 and 22-17.

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

Motion by Commissioner Maciel to approve Ordinance 22-16 and 22-17 with the second reading and public hearing being scheduled for June 23, 2022. Seconded simultaneously by Commissioner Sharman and Bennett and carried 5-0.

4. **REGULAR BUSINESS**

- A. **Resolution 22-07:** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, RELATING TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) STATE REVOLVING FUND (SRF), ADOPTION OF THE WASTEWATER FACILITY PLAN FOR THE IMPLEMENTATION OF WASTEWATER TREATMENT AND DISPOSAL IMPROVEMENTS, EFFECTIVE THIS DATE

City Attorney Ardaman read Resolution 22-07 by title only. City Engineer Jim Monahan stated that the State Revolving Loan Fund Program provides loans to local government agencies to finance the construction of wastewater facilities. The Florida Administrative Code requires that formal authorization by the City Commission for a facility plan outlining the necessary wastewater treatment and disposal facility improvements and financing is necessary in order to comply with State of Florida funding requirements. Staff recommends approval.

Commissioner Bennett expressed that this has been needed for a very long time and noted the impact on her district. There was discussion on the very minor improvements over the years, new generators, odor control and gutter screening. Mr. Monahan noted that this is a complete overhaul.

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

Motion by Commissioner Bennett to approve Resolution 22-07. Seconded by Commissioner Mueller and carried unanimously 5-0.

- B. Recommendation to approve Purchase Order for CPWG/Madrid for Professional Services related to roundabout and traffic calming improvements on Marsh Road in the amount of \$115,057

City Engineer Jim Monahan stated that this is a request to approve a purchase order for CPWG/Madrid for Professional Services related to the roundabout and traffic calming improvements on Marsh Road. The City requested a proposal from CPWG/Madrid to analyze Marsh Road and provide design improvements at the roundabouts and areas along the corridor to provide traffic calming measures. The design includes survey, roadway improvement designs, striping and signing plans and a safety analysis. Staff recommends approval.

Motion by Commissioner Sharman to approve Purchase Order for CPWG/Madrid for Professional Services related to roundabout and traffic calming improvements on Marsh Road in the amount of \$115,057. Seconded by Commissioner Bennett and Maciel simultaneously and carried unanimously 5-0.

- C. Recommendation to approve proposals and award contract for Marsh Road Widening & Roundabout Improvements Project (PN 08-005) to SDC in the amount of \$8,662,254.70, which includes a 10 percent contingency

City Engineer Jim Monahan stated The City received three proposals on April 26, 2022 for the Marsh Road Widening & Roundabout Improvements Project. He noted the cost tabulation of the three proposals and indicated that Southern Development & Construction, Inc. (SDC), was the lowest responsive, responsible proposer with a proposal of \$7,874,777. Staff recommends approval of the SDC's proposal and requests awarding them the contract for the Marsh Road Widening & Roundabout Improvements Project, including a 10 percent contingency, bringing the total amount approved for the project to \$8,662,254.70.

Mayor Rees inquired of SDC's estimate of materials. Mr. Monahan noted that SDC was contacted prior to staff making this recommendation, noting their bid was solid, they have the equipment and the confidence of City staff as they have worked on other projects. Mr. Monahan noted that this is a good price and City Manager Williams

inserted that staff would have one last conversation with them to address change orders.

Motion by Commissioner Sharman to approve proposals and award contract for Marsh Road Widening & Roundabout Improvements Project (PN 08-005) to SDC in the amount of \$8,662,254.70, which includes a 10 percent contingency. Seconded by Commissioner Maciel and carried unanimously 5-0.

D. Recommendation to approve rankings and award Construction Manager at Risk (CMAR) Contract for construction of Fire Station 21 to McCree General Construction

Fleet and Facilities Division Manager Mike Caines stated The City received six proposals in response to RFQ for a CMAR construction of Fire Station 21. He read the rankings from the evaluation committee and noted that McCree General Construction is recommended as the most responsive bidder. He requested approval of rankings and awarding of the contract to McCree General Construction to act as CMAR for the construction of Fire Station 21.

Commissioner Bennett requested determination of most responsive bidder. Mr. Caines explained the process of staff bid evaluations, review of the contractor's ability to perform, their past projects (particularly fire stations), their current projects and workload as well as their time schedules. He noted how these items were evaluated by staff and how the numbers varied.

Motion by Commissioner Bennett to approve rankings and award Construction Manager at Risk (CMAR) Contract for construction of Fire Station 21 to McCree General Construction. Seconded by Commissioner Sharman and carried unanimously 5-0.

E. Recommendation to approve additional one 12-month renewal term for RFP 19-004 for Emergency Debris Management Service with CrowderGulf with 8.3 percent increase of current contract amounts

City Engineer Jim Monahan stated The City approved a contract for debris management services with CrowderGulf on August 08, 2019. He noted that the contract allows for one 36-month period followed by two 12-month subsequent renewal periods. He notes that staff would come back to the City Commission should they need to come back for the second 12-month renewal period. He stated that CrowderGulf is agreeable to renewal, but requests an increase of the rates from the original contract of 8.3 percent, which is based on the current rates from the U.S. Department of Labor Statistics Consumer Price Index. Staff recommends approving the first of two 12-month renewal period with CrowderGulf with an increase of 8.3 percent of the current contract amounts.

Commissioner Sharman inquired as to whether they have been used for storms in the past or we engage them as needed. Mr. Monahan responded correct. There was discussion on their rates had not been raised and they were solicited after the last hurricane.

Motion by Commissioner Sharman to approve additional one 12-month renewal term for RFP 19-004 for Emergency Debris Management Service with CrowderGulf with 8.3 percent increase of current contract amounts. Seconded by Commissioner Maciel and carried unanimously 5-0.

- F. Recommendation to approve SPECIAL EVENT – Back to School Bash coordinated by the City of Winter Garden and Global Not Local for Saturday, August 6, 2022 from 11:00 a.m. to 4:00 p.m.

Community Development Director Stephen Pash stated that this is the Back to School Bash event. The City of Winter Garden is working with Global Not Local to coordinate this yearly event. He spoke of event activities, family friendly music, road closures and food trucks. He indicated that the City's Parks Department, Police Department and Fire Department would be available to assist. Staff recommends approval.

Troy Knight, City of Winter Garden Resident, inquired about the meaning of Global Not Local. Economic Development Director Tanja Gerhartz noted that we speak a lot about supporting local, but explained that the gentleman running this organization has focused on at-risk youth. He uses Global Not Local because he wants them to elevate themselves above their situation or circumstances. He wants them to realize that there is a big world out there and they can be and do anything. She noted that this is a very positive message to the community he serves. It was noted that the name of the coordinator is Wendell R. Coates, Jr.

Motion by Commissioner Maciel to approve SPECIAL EVENT for the Back to School Bash coordinated by the City of Winter Garden and Be Global Not Local for Saturday, August 6, 2022 from 11:00 a.m. to 4:00 p.m. Seconded by Commissioner Mueller and carried unanimously 5-0.

- G. BOARD APPOINTMENTS: Election Canvassing Board

City Clerk Grimmage stated that this item is for annual board appointments to the Election Canvassing Board. The City Charter requires that the City Commission fill the (4) expiring seats, no later than July 1st of the year prior to the election. She gave details for the upcoming 2023 election, noting that an election scheduled for Tuesday, March 14, 2023, for the seats of: Mayor/Commissioner District 5 (At large) and City Commissioner District 1. She informed that the Canvassing Board appointments are for two regular members and two alternate members, with the City Clerk serving as a member by City Charter, totaling five members altogether.

Ms. Grimmage informed that the currently seated members expressed their desire to remain seated, with the exception of one member who had moved to Windermere making him ineligible. There was discussion on the seats being filled and some meetings being held outside of the City limits at the Orange County Supervisor of Elections office. Staff recommends approval of appointing four members to the Election Canvassing Board.

Commissioner Maciel nominated Myron Brown, whom he noted as recently serving on the Districting Commission.

Motion by Commissioner Maciel to appoint Myron Brown to the Election Canvassing Board. Seconded by Commissioner Sharman and carried unanimously 5-0.

Motion by Commissioner Maciel to re-appoint Dawn Antonis (*Regular*), James “Jim” Weisbecker (*First Alternate*), Mary Rebekah Fritz-Gonzalez (*Second Alternate*) to the Election Canvassing Board. Seconded by Commissioner Sharman and carried unanimously 5-0.

There was discussion clarifying the positions for the newly appointed board members.

Motion by Commissioner Sharman to appoint Myron Brown as a (*Regular*) member on the Election Canvassing Board. Seconded by Commissioner Mueller and carried unanimously 5-0.

5. **MATTERS FROM PUBLIC**

Norine Dworkin, VoxPopuli news organization of Winter Garden, questioned the status of a resolution to make a statement from the City Commission regarding recognition of LGBTQ+ residents. Mayor Rees responded that there is information that is being circulated for review. He noted that the City Commission does not want to specify one group over another here in Winter Garden. Ms. Dworkin encouraged something as it is Pride Month.

Commissioner Mueller stated that he is in favor of a unity statement for all the contributions minorities make to Winter Garden, making us one Winter Garden. He wanted to recognize contributions of not only the LGB community, but all minorities of Winter Garden and all they do to make us a rich and diverse community.

There was discussion that the resolution would be a broader resolution.

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

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

