



# CITY OF WINTER GARDEN

## CITY COMMISSION REGULAR MEETING MINUTES

June 24, 2021

**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 and Commissioners

Lisa L. Bennett – District 1      Ron Mueller – District 2      Colin Sharman – District 4

**Absent:** Commissioner Mark A. Maciel – District 3

**Also Present:** City Manager Mike Bollhoefer, City Attorney A. Kurt Ardaman, City Clerk Angee Grimage, Assistant City Manager of Administrative Services Frank Gilbert, Community Development Director Stephen Pash, City Engineer Jim Monahan, Economic Development Director Tanja Gerhartz, Finance Director Laura Zielonka, Information Technology Director Chad Morrill and Police Chief Stephen Graham

### 1. **APPROVAL OF MINUTES**

**Motion by Commissioner Mueller to approve regular meeting minutes of June 10, 2021 as submitted. Seconded by Commissioner Sharman and carried unanimously 4-0.**

### • **PRESENTATION**

Friends of Lake Apopka Board of Directors member Joe Dunn gave a presentation to the City Commission on the history and status of restoration for Lake Apopka. He spoke of the lake and its surrounding borders, key milestones, and 20 years of progress, which included the North Shore acquisition. He also spoke of the Marsh flow-way, gizzard shad removal, plantings of native aquatic plants, and the lake's resulting improvements. He addressed restoration innovations such as sump dredging and pay-by-the pound. He described the Lake Apopka Wildlife Drive (LAWD) and the over 360 species of birds, 13.5 mile of wildlife drive and the LAWD Facebook page. Mr. Dunn also spoke of ecotourism and the connecting of trails as well as planned events for awareness and fundraising. He acknowledged those that have partnered with the Friends of Lake Apopka and thanked the City of Winter Garden for their support in these efforts over the years.

### 2. **FIRST READING AND PUBLIC HEARING OF PROPOSED ORDINANCES**

A. **Ordinance 21-15:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PERTAINING TO CERTAIN CITY BOARDS; AMENDING SECTION 2-61 GOVERNING THE CODE ENFORCEMENT BOARD WITH RESPECT TO ITS CREATION, COMPOSITION, TERMS, REMOVAL, AND ORGANIZATION; SECTIONS 98-26 AND 98-29 OF THE CITY CODE OF ORDINANCES GOVERNING PLANNING AND ZONING BOARD CREATION, COMPOSITION, APPOINTMENT, TERMS, REMOVAL, COMPENSATION OF MEMBERS, FILLING OF VACANCIES, QUORUM; AMENDING SECTION 98-189 OF THE CITY CODE OF ORDINANCES

GOVERNING THE ARCHITECTURAL REVIEW AND HISTORIC PRESERVATION BOARD WITH RESPECT TO APPOINTMENT, REMOVAL, AND TERMS OF MEMBERS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-15 by title only. City Manager Bollhoefer informed that staff received a Commissioner request for postponement of this item. He also noted the discovery of new information which is important enough to include.

The postponement date was motioned for July 8, 2021, however, Commissioner Mueller suggested additional time be given by extending the time to the meeting date of July 22, 2021; the following was the amended motion.

**Motion by Commissioner Sharman to POSTPONE Ordinance 21-15 until July 22, 2021 at 6:30 p.m. Seconded by Commissioner Bennett and carried unanimously 4-0.**

- B. **Ordinance 21-17:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA VACATING A PORTION OF THE PLAT DEDICATED DRAINAGE AND UTILITY EASEMENT OVER LOT 20 OF COURTLEA OAKS PHASE 2B, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 41, PAGES 67-69, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (LOCATED AT 208 TRAIL BRIDGE COURT, WINTER GARDEN, FLORIDA), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE AND RECORDING

City Attorney Ardaman read Ordinance 21-17 by title only. Community Development Director Pash stated that this is a request to vacate a 10-foot section of drainage and utility easement located at the rear property line of Courtlea Oaks subdivision Phase 2B. He noted that the Perkins Street right-of-way was vacated several years ago and conveyed to the abutting property owners. He noted that with this conveyance, an easement was left between their old rear yard and the new rear yard. They request vacation of the old easement and would rededicate a new easement on the backside of the new property line. Mr. Pash noted that they have acquired all required documents from other utility companies, it has been reviewed and approved by the Development Review Committee (DRC) and staff recommends approval.

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

**Motion by Commissioner Bennett to approve Ordinance 21-17 with a second reading and public hearing July 8, 2021 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 4-0.**

3. **SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCE**

**Ordinance 21-16:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING AND SUPPLEMENTING ORDINANCE NO. 06-27, WHICH ORDINANCE NO. 06-27 AUTHORIZES THE ISSUANCE OF SALES TAX REVENUE BONDS FROM TIME TO TIME; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$16,250,000 AGGREGATE PRINCIPAL AMOUNT OF A CITY OF WINTER GARDEN, FLORIDA SALES TAX REVENUE BOND, SERIES 2021 IN ORDER TO FINANCE COSTS OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS IN THE CITY; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION WITH THE ISSUANCE OF SUCH SERIES 2021 BOND AND DETERMINING CERTAIN TERMS THEREOF; AUTHORIZING A NEGOTIATED SALE OF SAID SERIES 2021 BOND AND THE AWARD THEREOF PURSUANT TO THE PROPOSAL OF TD BANK, N.A.; DELEGATING CERTAIN AUTHORITY TO THE MAYOR/COMMISSIONER AND CITY MANAGER FOR THE APPROVAL OF THE TERMS AND DETAILS OF SAID SERIES 2021 BOND; DESIGNATING THE CITY AS THE PAYING AGENT AND REGISTRAR FOR SAID SERIES 2021 BOND; AND PROVIDING AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 21-16 by title only. Finance Director Zielonka stated that this is the second reading to award the Request for Proposal (RFP) to T.D. Bank. Ms. Zielonka stated that the City's financial advisors and bond council reviewed the proposals and recommend approval; staff also recommends approval of Ordinance 21-16.

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

**Motion by Commissioner Mueller to ADOPT Ordinance 21-16. Seconded by Commissioner Sharman and carried unanimously 4-0.**

4. **REGULAR BUSINESS**

A. **Recommendation to approve SITE PLAN for 1620 Daniels Road (Till Insurance Building), subject to conditions**

Community Development Director Pash stated that this site plan is for property located at 1620 Daniels Road. He noted that the proposed development is for a multi-tenant 10,892 square foot office building. The site plan has been reviewed and approved by the Development Review Committee (DRC) and staff, who recommend approval, subject to conditions.

Commissioner Sharman inquired of the DRC recommendations. Mr. Pash responded by listing some as landscaping requirements, preconstruction, and engineering requirements.

Mayor Rees inquired of the setback. Mr. Pash responded by describing the variance, and additional feet of right-of-way. City Manager Bollhoefer noted that it was approximately 60 feet.

Commissioner Mueller thanked Ms. Till for investing in our community and noted the great design.

**Motion by Commissioner Sharman to approve SITE PLAN for 1620 Daniels Road (Till Insurance Building), subject to conditions. Seconded by Commissioner Mueller and carried unanimously 4-0.**

- B. Recommendation to approve rankings for Professional Engineering Services for the WWTF Capacity Expansion & Process Optimization (RFQ 17-025) and award a contract to Atkins North America, Inc. in the amount of \$2,749,917.69

City Engineer Monahan stated that this is a recommendation for approving rankings for the Request for Qualifications (RFQ) submittals received for the Wastewater Treatment Facility (WWTF) Capacity Expansion & Process Optimization (RFQ 17-025). He noted that the Influent flow at the WWTF is averaging 75%, which establishes the need for the City to start the process of the planning stage. The permitted capacity is 4.75 million gallons per day (MGD) for capacity expansion.

Mr. Monahan explained that a request was issued for the purpose of evaluating the existing WWTF process and capacity expansion utilizing innovative ways to increase the plant capacity from 4.75 MGD to a minimum of 6 MGD using the existing footprint of the WWTF located at 101 E. Crest Avenue. He noted that keeping the facility fully operational is key while upgrading the facilities to meet this new challenge. Mr. Monahan noted that on June 2, 2020, the City of Winter Garden received six (6) RFQ submittals and chose Atkins North America, Inc. as the most qualified bidder. The RFQ selection committee evaluated the submittals and ranked the qualified respondents. The top three respondents were invited to make a formal presentation on September 14, 2020. Based upon the formal presentations, Atkins North America, Inc. was found to be the most qualified respondent and therefore selected for this project.

Staff recommends approving the rankings for Professional Engineering Services for the WWTF Capacity Expansion & Process Optimization (RFQ 17-025) and awarding a contract for Professional Engineering Services to Atkins North America, Inc. in the amount of \$2,749,917.69.

Mayor Rees noted a move from the 4.75 MGD to 6 MGD, but permitted for 6.5; he asked if the reason was the facilities capacity limit. Mr. Monahan responded that the intent is to optimize at the design level, for as much as we can. It was noted that the 6 MGD was what the City proposed, but would work to get to 6.5 MGD or higher.

There was discussion that it would take two years to get through this process.

Commissioner Mueller inquired and it was confirmed that this is a budgeted item.

Commissioner Mueller noted the proximity to Lake Apopka and inquired about the City's relationship with Florida Fish and Wildlife Commission (FWC) and Friends of Lake Apopka (FOLA). Mr. Monahan responded that this is permitted through the Florida Department of Environmental Protection (FDEP).

Mayor Rees inquired of funding and financial support as noted in task number two. Mr. Monahan responded that the Atkins team would take the lead in securing funding and he informed of some of the sources available.

**Motion by Commissioner Bennett to approve rankings for Professional Engineering Services for the WWTF Capacity Expansion & Process Optimization (RFQ 17-025) and award a contract to Atkins North America, Inc. in the amount of \$2,749,917.69. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- C. Recommendation to approve award of contract for supply of Sodium Hypochlorite to Odyssey Manufacturing Company, through a piggyback contract with Marion County, Florida

City Engineer Monahan stated that this is a request to Award a contract for the supply of Sodium Hypochlorite to Odyssey Manufacturing Company, through a piggyback contract with Marion County, Florida. He explained that sodium hypochlorite is used in the treatment of drinking water and wastewater effluent as the primary method of disinfection. Odyssey Manufacturing has been the City's supplier since 2010 at the same delivered price of \$.83 per gallon. Given Odyssey's history of performance, staff is requesting to continue the relationship through a piggyback contract with Marion County at a firm lump sum price of \$.89 per gallon. Staff recommends approval.

Commissioner Mueller noted and discussion ensued on the inclusion of the pallet purchase in the contract.

**Motion by Commissioner Mueller to approve award of contract for supply of Sodium Hypochlorite to Odyssey Manufacturing Company, through a piggyback contract with Marion County, Florida. Seconded by Commissioner Sharman and carried unanimously 4-0.**

- D. Recommendation to approve agreement for acquisition of right-of-way for Plant Street from Winter Garden Property, LLC

Planning Consultant Ed Williams spoke about the Central Florida Expressway Authority's substantial investments to Winter Garden, explaining past as well as upcoming improvements. He explained how in the past, initiation of projects was by the City, but

now the Expressway Authority is coming to the City with projects. He noted that the City has always been willing to participate financially in the projects and are requesting participation in this project by asking the City to acquire the right-of-way. Mr. Williams spoke of the Expressway Authority's workload of 20 to 30 projects and desire to include this interchange improvement in that program. He noted previously working with these property owners and stated that the first property is Winter Garden Property, LLC, which was formerly known as the Strait's property. He shared history on the property and displayed an aerial description of the location. He noted a strip along the frontage of the property, which would allow for widening of the road and sufficient turn lanes at the intersection, creating better traffic flow. He noted that from Winter Garden Property LLC, needed is 15,442 square feet, and is at a cost of \$123,536, which is \$8.00 per square foot and amounts to \$350,000 per acre. He noted the value of property at intersections and improvements that increase that value. Staff recommends approval, which includes authorization for the City Manager to fully execute the necessary documents.

Mayor Rees inquired about the property to the west. City Manager Bollhoefer noted that there would be a conversion to two lanes on both sides as part of the plan. Mr. Williams noted the areas that were already in place as displayed on the aerial.

City Manager Bollhoefer noted that these funds would come from impact fees, and described when developed, a significant amount would be paid in impact fees to cover these costs.

**Motion by Commissioner Bennett to approve agreement for acquisition of right-of-way for Plant Street from Winter Garden Property, LLC in the amount of \$123,536. Seconded by Commissioner Mueller and carried unanimously 4-0.**

E. Recommendation to approve agreement for acquisition of right-of-way for Plant Street from Ocoee Business Park, LLC

Planning Consultant Williams stated that the second parcel is adjacent to the previous property heading east and is Ocoee Business Park, LLC, which he noted as being owned by an Orlando Dentist, Dr. Bruce Gordy. He noted other property located on the other side of the interchange and has agreed to sell right-of-way to the City of Ocoee; to accommodate his property and the off ramp being done on that side. He noted that they would need a strip of his land, a lesser amount of 2,854 square feet along that frontage, at a cost of \$22,832. He noted belief that it is a very fair price.

**Motion by Commissioner Bennett to approve agreement for acquisition of right-of-way for Plant Street from Ocoee Business Park, LLC in the amount of \$22,832. Seconded by Commissioner Mueller and carried unanimously 4-0.**

City Manager Bollhoefer thanked Planning Consultant Ed Williams for his efforts in these land acquisitions for these projects, which he has been very instrumental in for several years. Mr. Bollhoefer spoke of these projects for acquisition versus hard lessons learned from the past.

Mr. Williams spoke of his past experiences in dealing with eminent domain and noted how different these acquisitions are, but for both sides, they are better in their approach.

- F. Recommendation to approve agreement for acquisition of house and property located at 1175 Lincoln Terrace and authorize City Manager to execute necessary documents  
Planning Consultant Williams stated that this item is requesting permission to purchase a house in East Winter Garden. He explained that with the programs that are being done in East Winter Garden there is the need to acquire properties for housing units, utilities for drainage improvements and for sidewalks. He noted that some of the property owners were looking to trade, in order to stay in the community. He described some of the homes the City reviewed for purchase, related obstacles such as repairs, pricing wars. He spoke of the need for having homes in inventory available for future trades, when possible.

City Manager Bollhoefer addressed that these homes are needed for the redevelopment plan. He noted the need to prevent gentrification, spoke of annexations in the area and noted other changes in regards to the redevelopment.

There was discussion on the amount being \$165,000 and the condition of the home being the main consideration for the purchase.

**Motion by Commissioner Mueller to approve agreement for acquisition of house and property located at 1175 Lincoln Terrace and authorize City Manager to execute necessary documents, in the amount of \$165,000. Seconded by Commissioner Bennett and carried unanimously 4-0.**

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

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

7. **MATTERS FROM CITY MANAGER**

Farewell to Community Relations Manager Andrea Vaughn

City Manager Bollhoefer thanked Community Relations Manager Vaughn for her service to the City and encouraged the City Commission to wish her well, noting this as her last meeting before moving on to new endeavors.

#### Updates

City Manager Bollhoefer noted a move back to normal and gave updates on upcoming City events. He noted a list would be distributed at a later date and described the upcoming activities. He spoke of an increase in Police activity in East Winter Garden, focused enforcement of traffic laws, increase of ticket citations and future efforts to create traffic calming methods. He informed that there would be no Car Show, indicating that it is not feasible at this time. He noted issues with parking and future solutions for the downtown. He recognized Community Development Director Pash to provide an update on a modification to a previously approved event.

Community Development Director Pash informed that the Masonic Lodge has decided to include the Pancake breakfast back into the Fourth of July event. He noted that this activity is only an amendment to the previously requested approval with all other items such as times remaining the same.

#### West Orange County Bike Paths

City Manager Bollhoefer noted efforts to work with other organizations and the County on a master plan for long term plans to link all bike paths in West Orange County.

#### Budget Hearing Dates

City Manager Bollhoefer addressed alternative dates for the budget hearings and noted that the City cannot conflict with Orange County. He referred to a list of options distributed to the City Commission and explained that a decision would be needed by the next meeting.

#### Workshop

City Manager Bollhoefer noted that an effort is being made to schedule a workshop for the City Commission. He suggested the July 22<sup>nd</sup> meeting, before the City Commission meeting. There was discussion on the time and it was the **consensus** of the City Commission to meet for the workshop on July 22, 2021 at 5:00 p.m.

### 8. **MATTERS FROM MAYOR AND COMMISSIONERS**

**Commissioner Sharman** spoke of a speeding enforcement campaign taking place since April, the difference the Police presence has made, and he voiced his appreciation to Police Chief Graham for these efforts.

Commissioner Sharman thanked Charlie Mae Wilder for the invite to the Juneteenth celebration, spoke of those from the Commission that attended and shared his fondest memory as being the singing.

**Commissioner Mueller** shared about his recent visit to the Mathew's Hope organization and noted being impressed with their functions going far beyond that of feeding the homeless. He noted that they do considerably more to aid people in becoming self-

