



CITY OF WINTER GARDEN

City Commission REGULAR MEETING MINUTES

January 13, 2022

REGULAR MEETING of the Winter Garden City Commission was called to order by Mayor Rees at 6:31 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 2 - Ron Mueller
Commissioner District 3 - Mark A. Maciel
Commissioner District 4 - Colin Sharman

Also Present:

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

Absent: Commissioner District 1 – Lisa L. Bennett

1. **APPROVAL OF MINUTES**

Motion by Commissioner Mueller to approve regular meeting minutes of December 9, 2021 as submitted. Seconded by Commissioner Maciel and carried unanimously 4-0.

2. **PRESENTATION**

A. A presentation and thanks to the City of Winter Garden was given by American Legion Commander of Post 63 Kurt Gies. He displayed two videos regarding the Challenge 22 walk and picnic and the efforts to bring awareness to veteran suicide. He shared about some of the efforts being implemented at the national level to aid in suicide prevention for Post-Traumatic Stress (PTS). He noted that they wanted to publicly thank the City of Winter Garden for their support. Mayor Rees thanked Mr. Gies for this effort.

B. **Proclamation 22-01:** Proclaiming National Law Enforcement Appreciation Day was read and presented by Mayor Rees and the City Commission to Police Chief Stephen Graham and the Winter Garden Police Department. There were several officers in attendance to accept the proclamation. Police Chief Graham thanked the City and Commissioners for their support.

Mayor Rees noted some of the issues happening nationally and encouraged everyone to show their appreciation to the Winter Garden Police Officers when they see them. He expressed that here in Winter Garden we support our Police.

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

A. **Ordinance 22-01:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING VOTING DISTRICT BOUNDARIES; ADOPTING THE REPORT OF THE DISTRICTING COMMISSION, INCLUDING THE MAP AND DESCRIPTION OF PROPOSED ELECTION DISTRICTS FILED WITH THE CITY BY THE DISTRICTING COMMISSION

ESTABLISHED PURSUANT TO SECTION 25 OF THE CITY CHARTER; ENACTING THE DISTRICT BOUNDARIES PROPOSED BY SUCH REPORT; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE

City Attorney Ardaman read Ordinance 22-01 by title only. Mayor Rees requested postponement until January 27, 2022 at 6:30 p.m., noting he would like all City Commissioners to be present for this item.

Motion by Commissioner Mueller to POSTPONE Ordinance 22-01 until January 27, 2022 at 6:30 p.m. Seconded by Commissioner Sharman and carried unanimously 4-0.

- B. **Ordinance 22-04:** 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 1010 VINELAND ROAD, EAST OF WALKER STREET, WEST 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 22-05:** 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 0.24 ± ACRES LOCATED AT 1010 VINELAND ROAD, EAST OF WALKER STREET, WEST 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 22-06:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.24 ± ACRES LOCATED AT 1010 VINELAND ROAD, EAST OF WALKER STREET, WEST 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 Ordinance 22-04, 22-05 and 22-06 by title only. Community Development Director Stephen Pash stated that this is a voluntary annexation for property located at 1010 Vineland Road. The owner has requested annexation, designation of future land use and zoning. He noted that these are consistent with the surrounding area and the owner intends to apply for a special exception, for allowing an office use. Later they would also apply for a site plan review to develop the site with a parking lot and pond, if required.

Commissioner Mueller questioned the property's consistency with the surrounding area and voiced concerns about encroachment of commercial businesses into the residential areas. Community Development Director Pash noted that the future land use map all

along Vineland Road already has R-NC as the land use for long term goals. Commissioner Mueller sought confirmation that this would be limited to this area. Mr. Pash responded yes.

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

Motion by Commissioner Mueller to approve Ordinance 22-04, 22-05 and 22-06 with a second reading and public hearing January 27, 2022 at 6:30 p.m. Seconded by Commissioner Maciel and carried unanimously 4-0.

4. **REGULAR BUSINESS**

A. **Recommendation to approve INTERLOCAL AGREEMENT between the City of Winter Garden and the Town of Oakland to transfer jurisdiction over Real Property and Right-of-Way**

Community Development Director Pash stated that this is an Interlocal Agreement between the City of Winter Garden and the Town of Oakland, which addresses jurisdictional boundaries. He stated that there is a portion of two lots and a portion of the right-of-way on the western edge of Oakland Park where a small portion of the two lots is located in the Town of Oakland and the majority of the lot is in the City of Winter Garden. Also a small portion of the road is in the City of Winter Garden, while a majority of the road is in the Town of Oakland. This agreement transfers jurisdictional requirements for those small portions of the properties. He listed some components of the agreement. Staff recommends approval.

Motion by Commissioner Mueller to approve INTERLOCAL AGREEMENT between the City of Winter Garden and the Town of Oakland to transfer jurisdiction over Real Property and Right-of-Way. Seconded by Commissioner Sharman and carried unanimously 4-0.

B. **Recommendation to approve Code Enforcement LIEN REDUCTION - 621 Lost Grove Circle - Case No. 17-0098**

Community Development Director Pash stated that the owner of 621 Lost Grove Circle incurred Code Enforcement liens, beginning in 2018, for structures that were built without permits. The fines reached \$250 per day for each day of violation, totaling approximately \$332,000 as of December 7, 2021. He shared that the owner was in attendance and noted that she was not aware of those structures not being permitted until she tried to refinance the home after their divorce was final. He explained how the owner has since hired an engineer, pulled permits, and received inspections which have been approved by the City. Staff recommends reduction and removal of the lien upon payment of \$1,500 for the fines, noting that this covers all City expenses, if paid by the end of February 28, 2022.

Motion by Commissioner Mueller to approve Code Enforcement LIEN REDUCTION - 621 Lost Grove Circle - Case No. 17-0098, to \$1,500 upon payment by February 28, 2022. Seconded by Commissioner Maciel and carried unanimously 4-0.

C. Recommendation to approve SITE PLAN for 571 Susan B Britt Court (Empire Finish Office), subject to conditions

Community Development Director Pash stated that this is a site plan for 571 Susan B Britt Court. He described the owner's proposal for development of the site, with an 18,544 square foot office building and warehouse space. The development also includes parking and landscaping improvements. He noted that the use is consistent with the zoning area and also with the I-2 zoning district. The project has been reviewed and approved by the Development Review Committee (DRC) and staff, who recommend approval, subject to the conditions in the DRC report.

Commissioner Mueller voiced appreciation to the Joneses for their investment into our community.

Motion by Commissioner Maciel to approve SITE PLAN for 571 Susan B Britt Court (Empire Finish Office), subject to conditions. Seconded by Commissioner Mueller and carried unanimously 4-0.

D. Recommendation to approve SITE PLAN for 16173 Marsh Road (Zion Evangelical Church), subject to conditions

Community Development Director Pash stated that this is a site plan review for 16173 Marsh Road. This site plan includes a 9,068 square foot church with 216 seats and landscaping, parking, and other improvements. He shared some history of the plans for this location and noted that they are the same as these regulations and restrictions; indicating the intent of this location was for a second phase of the church. The project has been reviewed and approved by the Development Review Committee (DRC) and staff, who recommend approval, subject to the conditions in the DRC report.

Mayor Rees inquired of plans for building in the back of this location, wondering if it would be left undeveloped. Mr. Pash confirmed that it would probably be left undeveloped for years to come as they currently have no intentions for developing there.

Motion by Commissioner Maciel to approve SITE PLAN for 16173 Marsh Road (Zion Evangelical Church), subject to conditions. Seconded by Commissioner Mueller and carried unanimously 4-0.

E. Recommendation to approve purchase of one new Mobile By-Pass Pump Package from Tradewinds Power Corporation utilizing Florida Sheriff's Association & Florida Association of Counties contract in the amount of \$115,699

Fleet and Facilities Division Manager Mike Caines stated that staff requests approval to purchase a new Mobile By-Pass Pump from the Tradewinds Power Corporation to be

used by various Public Services departments. The purchase is associated with the Florida Sheriff's Association & Florida Association of Counties contract. He noted that this was an anticipated purchase and there is funding in the current budget.

Mayor Rees inquired as to all requested equipment being a part of the past budget and that the funds set aside in the budget exceed amounts requested for the items. Mr. Caines confirmed, responding that they all fall under the amounts budgeted.

Motion by Commissioner Mueller to approve purchase of one new Mobile By-Pass Pump Package from Tradewinds Power Corporation utilizing Florida Sheriff's Association & Florida Association of Counties contract in the amount of \$115,699. Seconded by Commissioner Sharman and carried unanimously 4-0.

- F. Recommendation to approve waiving formal procurement process and award construction of supporting infrastructure to TD Thomson Construction Co., Inc. to support the Winter Garden Police Department Annex Building (125 Center Street) in the amount of \$114,707.89, which includes a 10% contingency

City Engineer Jim Monahan stated that staff requests waiving the formal procurement process and award the construction of the infrastructure to TD Thomson Construction Co., Inc. to support the Winter Garden Police Department Annex Building. He noted it was located on the northwest corner of 10th and Center Streets. The infrastructure to be constructed is for the Police Department's Annex Building and is proposed to include five on-street parking spaces including one disabled parking stall, five on-street parallel parking spaces along 10th street, sidewalks to access the facility and utility connections for occupancy. This item was not included in the current operating budget, but will be added in the interim budget. Staff recommends approval of waiving the formal procurement process and awarding the construction of the supporting infrastructure to TD Thomson Construction Co., Inc. in the amount of \$114,707.89, which includes a 10% contingency.

City Manager Williams noted a slight modification to the plan for the elimination of the five on-street parallel parking spaces from this project and possibly adding them in the future, if the need does exist. He spoke of the narrow right-of-way on 10th Street, and plans to keep the sidewalks, but eliminate the parallel parking spaces.

Commissioner Mueller asked if City Manager Williams would address the reasoning, necessity, and gain for the recent waivers of the formal procurement processes as noted in the last couple of meetings. City Manager Williams complied, noting that for this particular case, the building has been delivered and efforts are directed towards getting it built and operational as soon as possible. He informed of an upcoming agenda item for awarding push button contracts to contractors, so that going forward, these types of items are addressed. He explained that some vendors are holding their costs for the City and another reason as equipment currently owned and used by the City may incur issues when a low bidder comes in offering different systems and equipment.

Motion by Commissioner Maciel to approve waiving formal procurement process and award construction of supporting infrastructure to TD Thomson Construction Co., Inc. to support the Winter Garden Police Department Annex Building (125 Center Street) in the amount of \$114,707.89, which includes a 10% contingency. Seconded by Commissioner Mueller and carried unanimously 4-0.

- G. Recommendation to approve RFP21-001 rankings and awarding Continuing Services Contract for infrastructure improvements to Cathcart Construction Company - Florida, LLC, Central Florida Environmental Corporation, Dale Beasley Construction Company, LLC, Flowtech Environmental LLC, HK Solutions Group, Schuller Contractors Inc., Shenandoah General Construction LLC, and TD Thomson Construction Company, Inc. City Engineer Jim Monahan stated that this request is for approval of rankings for the request for proposal (RFP 21-001) submittals received for the Annual Construction Services Contract for Infrastructure Improvements. He noted that on November 9, 2021, the City received eight (8) responses to the request for proposals for construction services for the annual construction services contract for infrastructure improvements. He noted that based upon a review of the proposals, including related experience and verification of the unit pricing, the determination was made that all submitters will be considered as responsive, responsible proposers. He named them and noted that they submitted either for all items, or a portion of the work. Staff recommends approving the RFP 21-001 rankings and awarding continuing service contracts for infrastructure improvements to the aforementioned contractors.

There was discussion on the request for bidders, advertising, responses, vendors bidding only on certain items and the need to have contractors available when needed.

Motion by Commissioner Mueller to approve RFP21-001 rankings and awarding Continuing Services Contract for infrastructure improvements to Cathcart Construction Company - Florida, LLC, Central Florida Environmental Corporation, Dale Beasley Construction Company, LLC, Flowtech Environmental LLC, HK Solutions Group, Schuller Contractors Inc., Shenandoah General Construction LLC, and TD Thomson Construction Company, Inc. Seconded by Commissioner Sharman and carried unanimously 4-0.

- H. Recommendation to approve waiving formal procurement process and award construction and installation to Xylem Water Solutions USA, Inc. and Reef Controls LLC for 2 new control panels at Pump Stations 23 & 47 in the amount of \$157,549 City Engineer Jim Monahan stated that this is a request to waive the formal procurement process and award the construction of two Control Panels for Pump Stations 23 and 47 to Xylem Water Solutions USA Inc. and Reef Controls LLC. He noted that the control panels for both pump stations have deteriorated to the point where it is not feasible to repair them and new replacements would be required. These items were included in the current operating budget. Staff recommends approval of waiving the

formal procurement process and award the construction and installation of two new control panels at Pump Stations 23 & 47 in the amount of \$157,549. He also shared that this request is below the budgeted amount.

Motion by Commissioner Maciel to approve waiving formal procurement process and award construction and installation to Xylem Water Solutions USA, Inc. and Reef Controls LLC for two new control panels at Pump Stations 23 & 47 in the amount of \$157,549. Seconded by Commissioner Mueller and carried unanimously 4-0.

- I. Recommendation to approve waiving formal procurement process and award rehabilitation to Hydro-Klean, LLC for the existing 21 sanitary sewer manholes in the amount of \$277,530, which includes a 10% contingency

City Engineer Jim Monahan stated that this request is to waive the formal procurement process and award the rehabilitation of 21 sanitary sewer manholes to Hydro-Klean, LLC. He noted that the existing sanitary sewer manholes have deteriorated due to the high concentrations of hydrogen sulfide gas. He explained the rehabilitation process, noting that it would consist of creating new walls inside the existing structures and then lining the walls with a hydrogen sulfide protective coating. Staff recommends waiving the formal procurement process and award the rehabilitation of the existing 21 sanitary sewer manholes to Hydro-Klean, LLC in the amount of \$277,530, which includes a 10% contingency. He also noted that this item was in this year's budget.

Mayor Rees inquired of about how long these would last. Mr. Monahan indicated that these should last more than 20 years and explained how the interior coating protects the concrete, which would usually be the cause of deterioration.

City Manager Williams described the location of the manholes and noted that this is referred to as Trunkline A.

Motion by Commissioner Mueller to approve waiving formal procurement process and award rehabilitation to Hydro-Klean, LLC for the existing 21 sanitary sewer manholes in the amount of \$277,530, which includes a 10% contingency. Seconded by Commissioner Maciel and carried unanimously 4-0.

- J. Recommendation to approve Railroad Reimbursement Agreement for additional maintenance cost for improvements at the railroad crossing on E. Plant Street

City Engineer Jim Monahan stated that this item is for the execution of the Railroad Reimbursement Agreement - Grade Crossing Traffic Control Devices for the crossing at RR Milepost No. 133.00, describing the location as East Plant Street, east of North West Crown Point Road. He informed that the Florida Department of Transportation (FDOT) proposes safety improvements by installing two pedestrian gates and LED lights at the East Plant Street railroad crossing. This agreement between the City and FDOT states that the City is responsible for 50% of the additional maintenance cost of these

improvements. He also informed that in 2021, the City paid an annual maintenance cost of \$3,600 for this crossing. Staff recommends approval of the agreement and included Resolution 22-01.

Motion by Commissioner Mueller to approve Railroad Reimbursement Agreement for additional maintenance cost for improvements at the railroad crossing on E. Plant Street and Resolution 22-01. Seconded by Commissioner Maciel and carried unanimously 4-0.

K. Recommendation to approve Agreement for Acquisition of Property for certain Right-of-Way on Dillard Street from Roper Growers

Planning Consultant Ed Williams stated that this request is for authorization for the City Manager to sign an agreement for acquiring 3,000 feet for the Dillard Street project from the Roper Growers property. He noted that the location is at the northeast corner of Smith Street and Dillard Street. He spoke of the agreement being a fairly standard one, acquiring approximately 3,000 feet at \$20 per square foot in an amount of \$60,000. He noted that what is not shown is the advantage of the City's policy of negotiating with the property owner as opposed to condemnation of the property. He explained how negotiations yielded the closing of three access points to the property and the savings to the City for taking this direction.

Commissioner Maciel thanked Planning Consultant Ed Williams for the many years of working on this item and related discussion ensued.

Motion by Commissioner Maciel to approve Agreement for Acquisition of Property for certain Right-of-Way on Dillard Street from Roper Growers and authorize the City Manager to executed the related documents. Seconded by Commissioner Sharman and carried unanimously 4-0.

L. Recommendation to approve SPECIAL EVENT - American Legion Post 63 "Ruck Walk" – at Veterans Park (420 S. Park Avenue) November 12, 2022 - 7:30 a.m. to 5:00 p.m., subject to conditions

Community Development Director Stephen Pash stated that this request is for the American Legion to hold their annual "Ruck Walk" on Saturday, November 12, 2022 from 7:30 a.m. to 5:00 p.m. at Veterans Park. He noted that it would follow the same route as years past and described some event activities, also noting the serving of beer and wine. Staff recommends approval and noted that no application fee is associated with this request.

Motion by Commissioner Maciel to approve SPECIAL EVENT - American Legion Post 63 "Ruck Walk" at Veterans Park (420 S. Park Avenue) November 12, 2022 - 7:30 a.m. to 5:00 p.m., subject to conditions. Seconded by Commissioner Mueller and carried unanimously 4-0.

M. Recommendation to approve SPECIAL EVENT – Celtic Festival by Crooked Can Brewery (Plant Street Market) - March 17, 18, 19, and 20, 2022 – with street closure and subject to conditions

Community Development Director Stephen Pash stated that this is a request from the Crooked Can Brewery to hold their annual Celtic Festival. He noted that the event was originally proposed for Thursday, March 17 through Sunday, March 20th, but with discussions with them it has been changed from Thursday to Saturday. He noted that the event proposed closure of Central Avenue and extending the alcohol permit there. He noted proposed event activities such as live music and noted the event times. Mr. Pash described how the live music would end at 9:00 p.m. and staff would work with the applicants and residents relating to event volume. Staff recommends approval, subject to conditions as outlined.

There was discussion on the number of days of the event and the change to three days.

Motion by Commissioner Mueller to approve SPECIAL EVENT – Celtic Festival by Crooked Can Brewery (Plant Street Market) - March 17, 18, 19, 2022 with street closure and subject to conditions. Seconded by Commissioner Sharman and carried unanimously 4-0.

5. **MATTERS FROM PUBLIC**

Sarah Wolfe, 221 N. Boyd Street, Winter Garden, Florida inquired of the Districting Boundaries map and availability to the public for viewing. Commissioner Sharman responded that the map is in the agenda packet and available to be downloaded. There was discussion on a required end date for completion, review of the map and contacting with any Commissioner regarding public input for changes.

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

7. **MATTERS FROM CITY MANAGER**

Easement Agreement for Duke Energy

City Manager Williams noted that the modular building at 10th Street and Center Street in order to keep that project going and in order to get power to the building Duke Energy has requested an easement. Staff recommends approval of authorizing the Mayor to execute the easement agreement with Duke Energy.

Motion by Commissioner Maciel to approve authorization for the Mayor to execute the Easement Agreement to Duke Energy. Seconded by Commissioner Mueller and carried unanimously 4-0.

