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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MAY 6, 2009
CITY COUNCIL CHAMBERS**

COUNCILMEMBERS PRESENT

ABSENT

Nancy Clutts, Mayor
Robert Wolfe, Vice Mayor
Bob Grenier, Councilmember
Lori Pfister, Councilmember
Norb Thomas, Councilmember

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Lori Houghton, Director of Finance
Bill Neron, Economic Development Director
Lori Tucker, Director of Human Resources
Jacques Skutt, Director of Community Development
Bill Neron, Director of Economic Development/Grants
Chief Richard Keith, Fire Department
Chief Stoney Lubins, Police Department
Chris Thompson, Interim Public Works Director
Tamera Rogers, Director of Community Services

I. CALL TO ORDER

Mayor Clutts called the meeting to order at 4:00 p.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

David Treadway, Union Congregational Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

1 Mr. Drury announced that staff would like to pull Tab 5 (Florida Communities Trust
2 Grant for Property Adjacent to Aesop's Park) from agenda.

3
4 Mayor Clutts asked if Council had any changes to the agenda.

5
6 **MOTION**

7
8 **Robert Wolfe moved to approve the agenda with the recommended changes,
9 seconded by Bob Grenier. The motion carried unanimously 5-0.**

10
11 **IV. APPROVAL OF MINUTES**

12
13 **Bob Grenier moved to approve the minutes of the City Council Regular Meeting of
14 April 15, 2009 as submitted, seconded by Norb Thomas. The motion carried
15 unanimously 5-0.**

16
17 **V. PROCLAMATIONS/PRESENTATIONS**

18
19 **Tab 2) Municipal Clerks Week**

20
21 Mayor Clutts read a proclamation designating May 3 – 9, 2009 as Municipal Clerks
22 Week.

23
24 **VI.SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE
25 CONTACTS**

26
27 Attorney Williams stated there were no quasi-judicial matters on the agenda.

28
29 **VII.READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD**

30
31 Ms. Barnett read the following ordinances into the record by title only:

32
33 **ORDINANCE 2009-09**

34
35 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING
36 THE LAND DEVELOPMENT REGULATIONS; BY AMENDING
37 CHAPTER 3, DEFINING THE TERM ADULT ACTIVITY CENTER;
38 PERMITTING THE USE IN ALL RESIDENTIAL ZONING DISTRICTS;
39 AMENDING CHAPTER 8, TABLE 8-2 REGARDING THE ADULT DAY
40 CARE AS A PERMITTED AND SPECIAL USE; AND BY CREATING
41 NOTE 28 TO TABLE 8-2; SUBJECT TO THE RULES, REGULATIONS**

1
2 **IX. ORDINANCES – PUBLIC HEARING**

3
4 Mayor Clutts explained that the Ordinance #2009-09, #2009-11, and #2009-10 were
5 read into the record only and would be discussed with a full hearing on May 20th.
6

7 **X. RESOLUTIONS – PUBLIC HEARING**

8
9 None.

10
11 **XI. GENERAL GOVERNMENT**

12
13 **Tab 15) Letter from Lake County League of Cities to the St. Johns River Water**
14 **Management District**

15
16 Mr. Drury said this letter was prepared by the Lake County League of Cities asking St.
17 Johns Water Management District to recognize that the request for cities to tie in to a
18 huge water project to supplement future water needs is financially unrealistic and that
19 other issues should be considered; i.e. water conservation measures. The League is
20 requesting that every city approve the sending of this letter on behalf of the League to
21 consider alternatives to tying into an expensive regional project. Mr. Drury noted that the
22 Water Alliance will be discussing these matters and will be lobbying on behalf of all the
23 cities to come up with alternative measures as well.

24
25 Mayor Clutts asked for audience input.

26
27 **MOTION**

28
29 **Norb Thomas moved to support the transmitting of the letter, seconded by Robert**
30 **Wolfe. The motion carried unanimously 5-0.**

31
32 **Tab 16) Approval of Water Alliance Survey**

33
34 Mr. Hayes stated that the survey was presented to the Water Alliance Board and
35 Technical Committee members to complete in order to provide information to a
36 consultant hired by the Board to assist the Water Alliance Board in reorganization. The
37 survey involved the board representative from the city (Mayor Clutts) and Mr. Hayes
38 who reviewed and discussed the survey. Mayor Clutts said the completed survey
39 represented one opinion out of 14 cities.
40

1 Mr. Hayes said the consultant will gather the information and return to the Board at its
2 June meeting and discuss his findings and make recommendations as to whether it
3 should be an advisory Board or authoritative Board.

4
5 Mayor Clutts asked if the audience had questions.

6
7 **MOTION**

8
9 **Bob Grenier moved to accept the survey as completed, seconded by Robert**
10 **Wolfe. The motion carried unanimously 5-0.**

11
12 **Tab 17) Wooton Park Final Design Approval**

13
14 Mr. Neron stated it was two years ago that the proposed marina seaplane basin project
15 was approved. He said over the past several months there has been much discussion
16 of the design and it is now ready to be considered for approval by Council and for
17 authorization of solicitation of bids utilizing a single general contractor to be responsible
18 for the entire project, and authorization of the closing of portions of the park from
19 approximately mid July through mid October to allow the construction to be done. He
20 noted that access from the portable boat docks will be maintained. In addition he stated
21 that authorization was requested for BESH to employ under their current agreement, a
22 full time project manager during construction portions.

23
24 Mayor Clutts said she had requested staff to provide justification of a full time resident
25 engineer. Mayor Clutts said she would ask Mr. Drury to read the justification after Mr.
26 Ern's presentation.

27
28 Mr. Ern stated that his firm is the lead project designer on this project. He said he would
29 be presenting a slide show of the major components. He noted that others present were
30 Brad Bublitz from BESH; Bob Blais, project architect; Gus Bobes from Bobes
31 Engineering; S. Patel, marine designer; and representatives from Bailey Engineering.

32
33 Mr. Ern then showed a power point presentation depicting the main components of the
34 community park, the events area and the marina. The major components being added
35 are the splash park, gazebo, two concrete slabs to accommodate tents; an area for
36 vendors to set up on a numbered space; three sections of misting stations; the trail from
37 the Tav Lee trailhead to the west property boundary, ship store housing the harbor
38 master; second ramp to accommodate seaplanes and overflow of boats; the doubling of
39 trailer parking space area; and the marina itself with a total of 88 slips and fueling
40 facilities. He added that a turn around at the end of Disston will be added.

1
2 Mr. Ern stated that the marina slips will accommodate a wide range of boat lengths. He
3 said the fueling facility will be able to be monitored visually from the ship's store. The
4 marina is being designed and constructed so that it will meet the FDEP's clean marina
5 program. He noted this will be the first in Lake County.

6
7 Mr. Ern stated that every boat slip will have access to single phase power and water
8 and will have pedestrian lighting. In addition there will be speakers for announcements
9 and background music. The dock systems will fluctuate with the water levels. FDEP has
10 requested a single sewage pump out that will connect with the sewer system. The city is
11 pursuing grants through the clean marina program for the pump out.

12
13 Mr. Ern discussed the proposed Woodlea ship store and the layout and function of the
14 building. He stated it is intended to represent the Woodlea house historical on the
15 outside and will include landscaping to match what was historically around the house.
16 He presented information on the rail platform structure that is proposed noting that an
17 ADA lift will be provided.

18
19 Mr. Ern said a major proponent of the project is event power. Park-wide event power will
20 be provided throughout to support the events. He also discussed a proposed
21 surveillance system to monitor the children's area and fueling system. In addition, an
22 upgrade to the city's sound system will be included. Site lighting will be updated through
23 using LED lights which will be customized and programmable. LED lights use a fraction
24 of the power of a standard halogen light and are considered a green technology.

25
26 Notice to proceed is anticipated to be issued late July. The community portion of the
27 park will be open at all times but the proposal is to close the entire west end of the park
28 until October. In late October, the events area will be reopened. The marina should be
29 open by the first of the year 2010. The longest lead item is the ship's store which is
30 anticipated to be completed by late April 2010. The contractor is required to work
31 around the schedule of events that will happen during construction after October.

32
33 Council Discussion:

34
35 Mayor Clutts asked about compatibility with the sheriff's system for surveillance should
36 the city require that in future years. Mr. Ern said the system will not be integrated into
37 911; there will be visual monitoring in the dispatch center. Mr. Drury said he believed
38 having the cameras was important not only to protect children but also the security of
39 the fuel farm and the overall investment being made by the city. He said in terms of
40 tying in with another system he thought it would be compatible. Mayor Clutts said she

1 was questioning ancillary costs and whether additional staff would be needed to operate
2 the system.

3
4 Mr. Bailey said the system is not specialized. He said the cameras work across multiple
5 lines. He said the monitor screen primarily will be at the park.

6
7 Mayor Clutts asked about the lighting system. Mr. Bailey said this will be a flexible,
8 programmable lighting system that will allow the city to facilitate the effects.

9
10 Mr. Drury asked Mr. Thompson how much is spent to light the park. Mr. Thompson
11 answered it was about \$40,000 a year. Mr. Drury noted the city is using a tremendous
12 amount of electricity and manpower, and the lights on the tree are creating unhealthy
13 conditions.

14
15 Mayor Clutts said she supported the concept however she would have liked to have
16 seen a cost benefit analysis on the lighting system.

17
18 Mayor Clutts asked for more specific information on the costs. Mr. Drury said that the
19 goal is to design the project within budget. He said until the project is bid, the city will
20 not know how close the design is to the estimate of 7.3 million and that if the prices
21 come in above budget some things will need to be eliminated.

22
23 Mr. Neron said the bid documents are so structured that within five days the contractor
24 has to provide a detailed listing of the cost of each component and every aspect of the
25 component which will make it easier to eliminate certain aspects.

26
27 Councilmember Grenier asked about the fueling station. Mr. Ern said the estimated cost
28 is \$200,000. Two fuels will be sold. A single pump will be available for the aviation fuel
29 and dual pumps for the 93 octane will be used in some seaplanes as well as boats. He
30 said from a safety standpoint there will be a lot of things to be done to meet the FDEP
31 “clean marina” requirement. He said fuel will only be for sale when the store is open as
32 it must be manned.

33
34 Mr. Bobes noted there will be emergency shut offs at the dispensers and at the ship’s
35 store. He discussed the safety features.

36
37 Mayor Clutts asked Mr. Ern what kind of oversight he would be providing in the design
38 phase. Mr. Ern responded that all of the specialized subs will be doing limited on site
39 monitoring during construction of every portion of every job. Mayor Clutts queried Mr.
40 Ern about his scope of services in his original contract.

1
2 Mr. Drury said that Mr. Ern will be overseeing the entire project but will rely on
3 specialized subcontractors for input on specific issues. Mayor Clutts asked Mr. Ern if he
4 needed a construction manager to fulfill his contractual obligations to the city. Mr. Ern
5 said he will provide limited oversight but he would not be on site on a 40 hour a week
6 basis. He said it is fairly common to have an on site inspector all the time for a large job
7 who is the eyes and ears of both the client and the designer. He said he would be
8 handling the day to day scheduling and oversight of the contractor.
9

10 Mayor Clutts asked if anyone else had questions. Councilmember Pfister said she was
11 interested but she was happy with the plans and had been involved since it was her
12 Horizon project.
13

14 Mayor Clutts asked if there was public input.
15

16 Denise Laratta
17

18 Ms. Laratta said she thought it was a great presentation and sounded exciting to think
19 that Tavares could be on the leading edge to be using green technology and that it
20 would be a great marketing project. She asked what is the purpose of having power and
21 water at the marina slips.
22

23 Mr. Ern said that was at the request of the fishing and boating events which allow a
24 place to recharge the boating motors and a place to spray the boats down at the end of
25 the events.
26

27 Ms. Laratta asked where the water would be coming from and does the city have the
28 water capacity.
29

30 Mr. Drury said the city is updating its consumptive use permit which is covering 2013
31 and beyond. He said the Woodlea Sports Park, the marina and future development and
32 growth will all be potential users of the system. He said the existing plans are being
33 submitted to the St. Johns Water Management District for renewal. He said the city is
34 projecting 20 years and St. Johns will approve an additional allocation of water for the
35 city's reasonable growth up through 2013. He said they are looking for any growth
36 beyond 2013 to be supplemented through reclaim or special projects. He said although
37 it is a big question he believed that the amount of water that will be used at the marina
38 will be fairly minimal compared to the rest of the city's needs.
39

40 Norman Hope

1
2 Mr. Hope asked if Council had not seen the project before, was it being asked tonight to
3 approve this to go out to bid without having all its questions answered? He asked if it
4 was a vote so that it could go out to bid or was it a vote on final design.

5
6 Mayor Clutts said the concept has been discussed previously but this is the first time
7 that Council has seen the details. She noted that Councilmember Pfister has been kept
8 informed as she is a member of the Horizon Team. She said she normally asks such
9 questions in meetings with staff. She said she is hearing information on an elaborate
10 system and that it will require faith as she has not seen the background that supports
11 the design. She noted there are probably some major time constraints.

12
13 Mr. Drury noted that typically Council will budget for a project and define the scope of
14 the project. He outlined the process that is normally followed and the representation
15 from Council on the Horizon project team. He said the less complicated projects do not
16 necessarily come back to the Council. He said when a project is bigger, staff comes
17 back with preliminary design information which was done for this project and then will
18 continue to work on refining the design. In this case because it is a complicated project
19 it has been brought back to Council at 80% of the design. He said the permit was just
20 received and there is a short window of time to design, engineer and construct the
21 project before the special events begin.

22
23 Councilmember Grenier said he does not feel that he is seeing it for the first time
24 because of his background in working for Disney and his familiarity with certain aspects
25 of it and his experience with the visioning process and historical details of the design.

26
27 Councilmember Thomas said he has had a lot of experience in processing large crowds
28 and special events. He said it appears to be a first class operation. He said he had
29 some concern regarding approving the financing two years ago. He said he has
30 observed the problems with the sound system in the park. He said he hopes that the
31 budgeted amount is enough, but if it is not, it will need to be modified. He said he
32 thought it would be a good idea to have someone on site watching the construction and
33 he did not think there was anyone on staff qualified to oversee all of these elements.

34
35 Vice Mayor Wolfe said he agreed with the comments made by Councilmember Thomas
36 and that he was in support of the project.

37
38 Mayor Clutts thanked Mr. Ern for answering her questions.

39

1 Mr. Ern said that last week a submittal was made to FDEP for the pavilion as a stand
2 alone project.

3
4 Vice Mayor Wolfe asked if it was possible to have nonpotable and potable lines at the
5 dock. Mr. Ern said they could look into it but his concern would be the possibilities for
6 cross contamination. He said there is currently not reclaimed water at that area of the
7 city.

8
9 **MOTION**

10
11 **Lori Pfister moved to approve option #1 [Approve the following actions relating to
12 the construction of the Marina/Seaplane Basin at Wooton Park:**

13
14 **Approve the final design concept plan for the Marina/Seaplane Basin
15 Project**

16
17 **Authorize the solicitation of bids for the project utilizing a single General
18 Contractor to be responsible for the entire project.**

19
20 **Authorize the closure of portions of Wooton Park during the major
21 construction period (mid-July through mid-October 2009) while still
22 maintaining the public use of the boat docks and access to the businesses
23 on Ruby Street.**

24
25 **Authorize BESH to employ under the auspices of the current agreement a
26 full-time Project Supervisor to be on-site full-time during the construction
27 phase of the project.**

28
29 **The motion was seconded by Bob Grenier. The motion carried unanimously 5-0.**

30
31 **XII. OLD BUSINESS**

32
33 **Tab 18) Coffee Table Book**

34
35 Mr. Drury reported on the Lake County Coffee Table book being developed by Lake
36 Sumter Community College Business Resource Center. The book will include the
37 county along with all 14 cities. Every city has been asked to provide a narrative and
38 photographs for their section. He said that he has provided drafts of narratives that
39 could be utilized to begin the narrative and in addition has provided some examples of

1 photographs that might be used in the book. The goal is to get the book finished by
2 Christmas. The narrative and photographs will need to be relevant for 10 years.

3
4 Discussion followed on the drafts and sample photographs. Councilmember Grenier
5 noted some historical details were inaccurate. Mr. Drury suggested to ask
6 Councilmember Grenier (if he was willing) to work with staff to combine Options 1 and
7 2, finish the product to 80% and bring back for approval by Council. Councilmember
8 Grenier indicated his willingness to assist.

9
10 Discussion then followed on the photographs and the issue of showing familiar
11 photographs as well as photographs of striking scenery that might or might not be
12 unique to Tavares. Some of the suggested photographs were the retention pond with
13 fountain, historic courthouse, Duncan house, city hall, hospital, historic part of high
14 school, antique boat festival, Aesop's Tree, shuffleboard courts, seaplane, mural, visual
15 aspect of looking down Lakeshore from downtown Tavares, Dora Canal at Summerall
16 Park, and Wooton Park.

17
18 Mayor Clutts asked for input from staff and from the audience.

19
20 Dr. John Rozsa, Royal Harbor resident, suggested the view coming from the SR 19
21 Bridge into Tavares.

22
23 **Mr. Drury stated he understood the direction to go forward on the project and**
24 **would bring the text and photographs for final approval by Council.**

25
26 **Tab 19) Approval of Design and Colors for Summerall Park Restrooms**

27
28 Ms. Rogers reported that there were enough funds left over in the CDBG grant project
29 to build site-built restrooms. He noted Mr. Patel, the designer engineer was present.
30 She described the proposed design. She said would like Council to choose a color
31 combination and noted that she had provided three options. She said her
32 recommendation was option #1.

33
34 **MOTION**

35
36 **Lori Pfister moved for Option #1, seconded by Norb Thomas. The motion carried**
37 **unanimously 5-0.**

38
39 **Tab 20) Proposed Police Building Access**

1 Attorney Williams referred to the memo he had provided noting that this subject will be
2 discussed under F.S. 166.041 that allows Council to maintain confidentiality regarding
3 option contracts and appraisals when considering acquisition of real property. He
4 distributed a copy of a proposed option contract for land that is adjacent to the proposed
5 police department building. He stated it has the benefit of providing improved access to
6 the building. He noted the appraised price was attached as well as a GIS map. He said
7 the contract conditions are identical to those for the police department building.
8

9 Mr. Drury noted that prior to June 15th, staff will return with a due diligence report on the
10 property.
11

12 Councilmember Pfister noted the city will still have access to the police building property
13 without this additional piece. Mr. Drury added there will be a report provided that will
14 discuss access issues which will assist Council in making a decision.
15

16 **MOTION**

17
18 **Norb Thomas moved to authorize staff to negotiate a contract for property**
19 **needed for access to the proposed police department building, seconded by Bob**
20 **Grenier. The motion carried unanimously 5-0.**
21

22 **Tab21) Next Fiscal Year 2010 Budget Direction**

23
24 Mr. Drury said that this is an opportunity for Council to relay direction as he begins the
25 budget preparation process. He said the state of the economy has significantly affected
26 government organizations, businesses and house hold income. In the case of the City
27 of Tavares, general government revenues are projected to decline from approximately
28 \$13.2 million down to \$10.9 million next fiscal year and fixed expenses are projected to
29 increase by \$300,000. This creates budgeting challenges.
30

31 Article VIII of the City Charter requires the City Administrator to “prepare the budget
32 annually and submit it to Council...”. Budget cuts will be necessary to provide a
33 balanced budget. The City Administrator seeks broad budget comments and direction
34 from Council prior to crafting the FY 10 annual budget. He discussed the following
35 options:
36

- 37 1. Do not comment on the budget process.
- 38 2. Discuss and comment on the budget process.
- 39 3. Provide the Administrator with the following comments and direction: “The
40 Administrator should prepare and deliver a balanced FY 10 budget to this City

1 Council that does not raise the millage rate, is fair to all city employees given
2 these hard economic times and provides a similar level of service to the citizens
3 of Tavares”
4

5 Councilmember Grenier asked for explanation of “similar level of service.” Mr. Drury
6 discussed the differences between “reduced”, “increased”, and “similar” levels of
7 service. He said his goal will be to develop a balanced budget with the understanding
8 that the city will not request an increased millage rate despite the increase of fixed
9 costs.
10

11 Councilmember Thomas described, for the benefit of the audience, the various city
12 funds and how they interface but cannot be comingled.
13

14 Mayor Clutts asked if anyone in the audience had comments.
15

16 **MOTION**

17
18 **Lori Pfister moved to approve Option #3: Provide the Administrator with the**
19 **following comments and direction: The Administrator should prepare and deliver**
20 **a balanced FY 10 budget to this City Council that does not raise the millage rate,**
21 **is fair to all city employees given these hard economic times and provides a**
22 **similar level of service to the citizens of Tavares.**
23

24 **The motion was seconded by Bob Grenier. The motion carried unanimously 5-0.**
25

26 **XII. OLD BUSINESS**

27
28 Councilmember Pfister asked the status of the other property for the police department
29 building that had been discussed.
30

31 Mr. Drury answered that the Horizon project team headed by Councilmember Thomas
32 has met at the site and is investigating the pros and cons and will present a report of
33 their assessment during the due diligence process. He added that Vice Mayor Wolfe is
34 also working with the School Board looking at the gateway property and that report will
35 also be available.
36

37 **XIII. NEW BUSINESS**

38
39 None
40

1 **XIV. AUDIENCE TO BE HEARD**

2
3 Mayor Clutts invited the audience to speak on matters not on the agenda.

4
5 **Denise Laratta**

6
7 Ms. Laratta asked about the status of the dead palm trees on the median on US 441.

8
9 Mr. Drury said that when the project was designed a trench was cut out of the lime rock
10 filled in by earth. He said either the trees are diseased or there is some leeching of the
11 lime rock from under the road into the root bed and he expected to receive an answer
12 within 30 days as to the cause. He said the contractor has to replace the trees. Attorney
13 Williams noted there is a maintenance bond.

14
15 **XV. REPORTS**

16
17 **City Administrator**

18
19 Mr. Drury asked Mr. Neron to report on the Planes, Trains, and BBQ event.

20
21 **Bill Neron**

22
23 Mr. Neron noted it was very successful with over 20 planes flying in, 26 BBQ
24 competition teams and 772 riders on the tourist train.

25
26 **Attorney Williams**

27
28 Attorney Williams commented on his experience as a judge at the pie contest.

29
30 **Councilmember Pfister**

31
32 No report.

33
34 **Councilmember Thomas**

35
36 Councilmember Thomas noted the event was very successful with lots of citizen
37 participation.

38
39 **Councilmember Grenier**

40

1 Councilmember Grenier stated he was out of town visiting his parents in Chicago and
2 had missed the event.

3

4 **Vice Mayor Wolfe**

5

6 Vice Mayor Wolfe commented on the attendance at the event and said he had received
7 a lot of positive feedback.

8

9 **Mayor Clutts**

10

11 Mayor Clutts stated that Chief Lubins and Chief Keith had attended a reception for
12 Congressman Grayson with her in Orlando on Friday and that he was very impressed
13 by both chiefs. She said that he indicated that out of all the requests from his district, the
14 request from Tavares contained the most substantive backup support. She said he has
15 walked on the request as an earmark for funding in the amount of 5.6 million from the
16 federal government.

17

18 **Adjournment**

19

20 There was no further business and the meeting was adjourned at 6:15 p.m.

21

22 Respectfully submitted,

23

24

25

26

27

28

Nancy A. Barnett, C.M.C.
City Clerk