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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
APRIL 3, 2013
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

Robert Wolfe, Mayor
Kirby Smith, Vice Mayor
Norman Hope, Councilmember
Lori Pfister, Councilmember

ABSENT

Bob Grenier, Councilmember

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Chris Thompson, Public Works Director
Joyce Ross, Communications Director
Bill Neron, Economic Development Director
Tammey Rogers, Community Services Director
Lori Houghton, Finance Director
Richard Keith, Fire Department
Stoney Lubins, Police Department

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Brooks Braswell, Umatilla First Baptist Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

Mr. Drury requested to add Update on Golf Cart Crossing under Item 12A.

MOTION

Norman Hope moved to approve the agenda with the additional item requested, seconded by Lori Pfister. The motion carried unanimously 4-0.

IV. APPROVAL OF MINUTES

The minutes of March 20, 2013 were deferred to the next Council Meeting.

1 **V. PROCLAMATIONS/PRESENTATIONS**

2
3 **Tab 2) Water Conservation Month**

4
5 Mayor Wolfe read a proclamation recognizing May 19-25 as Public Works Week and commended
6 Chris Thompson, Public Works Director. He noted that the Tavares Chamber had recently given
7 the City a beautification award for the Freedom Flag.
8

9 **Tab 3) Library Appreciation Week**

10
11 Mayor Wolfe read a proclamation designating April 14-20, 2013 as Library Appreciation Week
12 and commended the library staff present: Rosa Rosario, Library Director; Marli Lopez, Circulation
13 Coordinator; and Linda Britt, Staff Assistant).
14

15 **Tab 4) Presentation to Chris Thompson for Project of the Year – Alleyway Project**

16
17 Mayor Wolfe presented a plaque to Chris Thompson which Mr. Thompson received recently at a
18 meeting of the Central Florida Branch of the American Public Works Association in recognition of
19 the alleyway project. Mr. Thompson noted this project was a team effort.
20

21 **VI. DISCLOSURE OF EXPARTE CONTACTS**

22
23 None.
24

25 **VII READING OF ALL ORDINANCES/RESOLUTIONS**

26
27 Ms. Barnett read the following ordinances and resolution by title only:
28

29 **FIRST READING**

30
31 **ORDINANCE 2013-04**

32
33 **AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY**
34 **ANNEXING APPROXIMATELY 0.35 ACRES OF LAND GENERALLY LOCATED ON**
35 **COUNTY DRIVE, REZONING THE PROPERTY FROM COUNTY RM (MIXED HOME**
36 **RESIDENTIAL) TO CITY RMH-S (RESIDENTIAL MANUFACTURED HOME**
37 **SUBDIVISION); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS**
38 **ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR AN**
39 **EFFECTIVE DATE.**

40
41 **ORDINANCE 2013-05**

42
43 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE**
44 **TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020,**
45 **PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON**
46 **APPROXIMATELY 0.35 ACRES OF PROPERTY GENERALLY LOCATED ON**
47 **COUNTY DRIVE FROM LAKE COUNTY URBAN LOW TO CITY MOBILE**

1 Ms. Houghton advised that she had provided Council with a list of the previous dates of
2 discussion held on the Fire Assessment in the agenda summary. She made the following report:

3
4 *After implementation and application of assessment fees, the City received several inquiries from*
5 *local hoteliers requesting that the City look at including a specific rate class/tier for*
6 *Hotels/Motels/RV Parks. Staff reviewed fire assessments assessed by other Cities and Counties*
7 *including Lake County, and found that many included a specific rate class for Motels/Hotels. Staff*
8 *asked the City's rate consultant, Government Services Group (GSG), to determine whether a*
9 *class for this unique business type could be supported within the constraints of the existing rate*
10 *study.*

11
12 *GSG has worked with the City Attorney to prepare Resolution 2013-02 which provides for a*
13 *specific rate class/tier for the City's Motel Business Community. Offering this addition rate/tier*
14 *class falls with the parameters of the current study and provides a rate structure that more*
15 *appropriately addresses this unique business community. It is not related to occupancy but is*
16 *based on the number of rooms.*

17
18 *The new rate class/tier for Hotels/Motels and RV Parks will assess these entities on a per room*
19 *basis instead of a square feet basis. Occupancy status will not be considered. The rate per room*
20 *will be \$46. Resolution 2013-02 provides a rate structure more similar to other entities assessing*
21 *a fire assessment.*

22
23 *Staff recommends approval of Resolution Number 2013-02 which provides an additional rate*
24 *class/tier specific to Hotels, Motels and RV Parks.*

25
26 Ms. Houghton noted this specific tier would be de minimus to the overall study in the collection of
27 revenues.

28
29 Vice Mayor Smith asked how the RV parks were charged prior to this change. Ms. Houghton said
30 there are only two and they have specific buildings on the property and were based on the square
31 footage and occupancy rate.

32
33 Councilmember Pfister asked the monetary impact. Ms. Houghton answered it is de minimus on
34 the overall revenues as the total revenues have a 10% built in adjustment; the amount should be
35 around \$15,000 to \$20,000 annually. Ms. Pfister asked if this will open to a door to future
36 adjustments. Ms. Houghton said the adjustment has to be applicable to the property and a
37 definitive measurement (such as rooms for the hotels and motels) and there are current cases
38 where this has been collected this way in the past.

39
40 **MOTION**

41
42 **Lori Pfister moved to approve Resolution #2013-02, seconded by Kirby Smith. The motion**
43 **carried unanimously 4-0.**

44
45 **X. GENERAL GOVERNMENT**

46

1 **Tab 9 – Contract with Malcolm Pirnie for Design Services of CRA Stormwater Project**
2 **Phase 1**
3

4 Mr. Hayes said this is a request for approval of the above contract with Malcolm Pirnie in the
5 amount of \$324,250 to design the construction of Phase 1 Stormwater Infrastructure project at
6 Ruby Street which will include preparation of the bid documents, bidding out of the project and
7 continuing to solicit for grant and loan funding.
8

9 Mr. Hayes said this plan will coordinate with the water and sewer upgrades in the area. The
10 purpose is to improve the water quality of Lake Dora. The city has secured three grants thus far:
11 one from TMDL in the amount of \$750,000; the second is the 319 FDEP grant for \$750,000 and
12 the third from Lake County Water Authority in the amount of \$250,000. The total grants to date
13 are \$1,750,000 which is leaving a balance of \$1,250,000 to complete a three million dollar
14 project.
15

16 The city issued a Request for Qualifications in November for this project. Seven proposals were
17 received and a selection committee convened to review, evaluate, and rank the seven proposals.
18 The top three ranked firms were invited to be interviewed. On February 15, 2013, four of the five
19 committee members conducted interviews (one had a schedule conflict). Upon conclusion the
20 four committee members ranked Malcolm Pirnie the number one firm. The Utility Director then
21 negotiated a contract with Malcolm Pirnie. Mr. Hayes discussed the scope of services.
22

23 Vice Mayor Smith asked if there have been discussions with the engineer as to how the project
24 will be accomplished in terms of the event season downtown. Mr. Hayes confirmed and said the
25 information on events will be in the bid specifications.
26

27 Councilmember Pfister asked about the various rankings by the selection committee. Mr. Drury
28 explained that the members of the committee come from different backgrounds and tend to rank
29 based on their professional perspectives. Councilmember Pfister asked about local preference.
30 Attorney Williams said the process is done according to statute and the location of the vendor can
31 be considered.
32

33 Councilmember Hope asked if Ruby Street will only be torn up one time.
34

35 Mr. Drury said there are two corners of the sidewalk that will interact with the stormwater; 95%
36 will be untouched but two years later at the portion where the stormwater touches the sidewalk it
37 will be impacted. Councilmember Pfister asked for clarification on how the project will correct
38 stormwater problems. Mr. Drury said it will not correct the northern part which will be Phase 2.
39 This will take care of the area by the lake, Ruby Street, and Main Street area.
40

41 Mayor Wolfe asked if the baffle boxes being left in the park will be an issue for future shoreline
42 plans. Mr. Hayes said he will work with Mr. Neron on this issue.
43

44 Councilmember Pfister asked how long the project will take. Mr. Drury said eight to nine months.
45 Mr. Shannon confirmed noting that the mitigation and permit issues will take some of that time
46 and hopefully it will only take about six months for the stormwater pond in addition to about a
47 month for Ruby Street.

1
2 **MOTION**

3
4 **Kirby Smith moved to approve contract design services with Malcolm Pirnie in the amount**
5 **of \$324,250 for the CRA stormwater phase one project, seconded by Norman Hope. The**
6 **motion carried unanimously 4-0.**

7
8 **Tab 10 – Envista Software and Proposal**

9
10 Mr. Hayes and Ms. Ross presented an overview of the Envista project mapping software which
11 will be utilized to track construction projects and event activities and to seek City Council's
12 approval to implement this budgeted program. Mr. Drury discussed the variety of projects that will
13 be underway in the city's downtown along with various public events and private companies
14 involved with construction projects. Every department will be able to input their project
15 information. He said once the major projects are done the city should not need the same level of
16 software.

17
18 Discussion followed on the date of implementation.

19
20 Mr. Drury said he was hearing from Council direction to try to make the contract period last for
21 two fiscal years and issue the Notice to Proceed right before there is a major project going
22 forward in order to get the best utilization of the software. He said staff will provide a report back
23 to Council with sufficient notice on the proposed date for the Notice to Proceed and why that date
24 was selected. He asked Council to let him know if they feel there is a problem with the date
25 selected.

26
27 Councilmember Pfister noted staff needed time to put the information in the newsletter.

28
29 Mayor Wolfe noted with the many projects going on currently and in the future, he did not want to
30 see the implementation pushed off for too long.

31
32 **MOTION**

33
34 **Kirby Smith moved to approve the software programming and give staff the ability to pick**
35 **the date for the onset of the program, seconded by Lori Pfister. The motion carried**
36 **unanimously 4-0.**

37
38 **Tab 11) City Council Benefits**

39
40 Mr. Drury said the proposal for Council to have access to the City's health insurance by paying
41 100% of the cost, that was approved previously, did not include vision and dental.

42
43 **MOTION**

44
45 **Lori Pfister moved to add vision and dental to the City Council's available insurance,**
46 **seconded by Kirby Smith. The motion carried unanimously 4-0.**

47

1 **Tab 12) Discussion on Renewal of Two Cents Gas Tax**
2

3 Ms. Houghton presented the following summary on the fuel taxes authorized by the state:
4

5 **Background of ALL State authorized Local Option Fuel Taxes available for Levy:**

6 County governments are authorized to levy up to 12 cents of local option fuel taxes in the form of
7 three separate levies.
8

- 9 1. The **first** is a tax of 1 cent on every net gallon of motor and diesel fuel sold within a county
10 known as the **ninth-cent fuel tax**. This tax may be authorized by an ordinance adopted
11 by an extraordinary vote of the County Commission or by a county-wide referendum. *This*
12 *tax is currently collected in Lake County.*
13

- 14 • This revenue is collected by the State of Florida and distributed to participating
15 counties. The City receives a monthly distribution from Lake County from this
16 revenue source. Transportation expenditures are the basis for the distributions for
17 the municipal portion.
18

- 19 2. The **second** is a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold within
20 a county. This tax may be authorized by an ordinance adopted by majority vote of the
21 County Commission or by a county-wide referendum. The County currently collects these
22 taxes as follows:
23

24 I. **First 2 Cents:** Authorized by County Ordinance No. 1994-8 authorized for a
25 period of 20 years. This tax is distributed among the county government and
26 eligible municipalities based on transportation expenditures. This revenue is
27 collected and distributed by the State of Florida.
28

29 II. **Second 2 Cents:** County Authorized by County Ordinance No. 1985-15 for a
30 period of 30 years. This tax is distributed among the county government and
31 municipalities based on an interlocal agreement. This revenue is collected and
32 distributed by the State of Florida.
33

34 III. **Third 2 Cents:** County Authorized by County Ordinance No. 1986-4 for a period of
35 30 years. This tax is distributed among the county government and municipalities
36 based on an interlocal agreement. This revenue is collected and distributed by the
37 State of Florida.
38

- 39
40 3. The **third** is a tax levy of 1 to 5 cents upon every net gallon of motor fuel sold within a
41 county. Diesel fuel is not subject to this tax. This tax may be levied by Ordinance of the
42 County Commission with a majority plus 1 vote or by county-wide referendum.
43

- 44 • This tax is **NOT** levied in Lake County. (This tax was levied in 47 of Florida's
45 counties in FY2013.)
46

1 The **second two cents** of the Second available Local Option Tax (1-6 cents & see *highlighted*
2 *section*) described above is under consideration for renewal as this tax per County Ordinance No.
3 1994-8 will expire on August 31, 2014. The full 6 cents will provide the City of Tavares with
4 estimated collections of \$299,506 for FY2013.

5
6 2 cents of the total 6 cents currently collected is approximately one third of this revenue source
7 currently included in the FY2013 year budget. If this tax is not renewed City revenues would
8 decrease by approximate \$100,000 in FY14 plus any incremental amounts related to price
9 increases or increased sales.

10
11 Currently all Counties collect the full 6 cents authorized by the State of Florida except for one
12 county, Franklin, which collects 5 cents.

13
14 Local Option Fuel Taxes may be used for Transportation Expenditures as identified in F.S. §
15 336.025:

- 16 • Public transportation
- 17 • Roadway and right-of-way maintenance and equipment and structures used
- 18 primarily for the storage and maintenance of such equipment
- 19 • Roadway and right-of-way drainage
- 20 • Street lighting installation, operation, maintenance, and repair
- 21 • Traffic signs, traffic engineering, signalization, and pavement markings,
- 22 installation, operation, maintenance and repair
- 23 • Bridge maintenance and operation
- 24 • Debt service and current expenditures for transportation capital projects in the
- 25 foregoing program areas including construction or reconstruction of roads and
- 26 sidewalks.

27
28 Ms. Houghton noted the city spends approximately \$300,000 annually for the traffic signal cost
29 and street lighting. In addition the city spends about \$25,000 to \$30,000 for traffic signal
30 maintenance and this revenue source helps the city meet its costs in the annual budget. It will
31 also help support debt service for roadways or other transportation costs.

32
33 Ms. Houghton said the options suggested are:

- 34
35 1. To move to request the mayor forward a letter to the BCC urging them to re-impose the
- 36 first two cents of the second local option fuel tax scheduled to expire in August 2014
- 37 2. To move to have the mayor send a letter to the BCC requesting that they hold community
- 38 meetings or
- 39 3. Do not send any letters.

40
41 Staff recommends that the city recommend that the BCC hold discussions concerning renewal
42 options for the first two cents of the second local option fuel tax. Mr. Drury added that the county
43 is holding its first discussion next Tuesday. He discussed the response from some of the cities
44 thus far. Council discussed various aspects of the fuel tax revenues.

45
46 **MOTION**

47

1 **Lori Pfister moved to send a letter to the County Commission encouraging them to hold**
2 **public meetings on the renewal of the fuel tax, seconded by Norman Hope.**

3
4 Councilmember Hope said he would like staff to look into why Tavares is at 3.9 and the other
5 cities are double that amount.

6
7 Mr. Drury said it was based on a figure in the 1980's and when it is renewed it will be based on
8 current numbers; it depends on the population. He said he will send the formula to Council. He
9 noted that non-residents as well as residents, purchase gas and thus contribute to the cost of
10 operating the lights as opposed to having to fund traffic lights out of property taxes.

11
12 Ms. Houghton said the actual revenues that are paid every year are much higher because they
13 are based on current values of population and transportation expenditures.

14
15 Vice Mayor Smith said he hoped new information could be submitted every year. Attorney
16 Williams said the agreement was not set up to be addressed every year.

17
18 **The motion carried unanimously 4-0.**

19
20 **XI. OLD BUSINESS**

21
22 **Tab 12A) Golf Cart Crossing Update**

23
24 Mr. Drury stated that the process for obtaining approval for golf cart crossings into the downtown
25 has taken four years. The state had to change make changes in its rules because of the impact
26 across the entire state. FDOT has sent a letter of approval for the SR 19/Dead River Road
27 interchange contingent on three issues:

- 28
29 1. The "all red" light must be extended at that intersection
30 2. The County must approve Dead River Road as golf cart friendly
31 3. Installation of golf cart signage

32
33 He said after those three items become approved in the next 30 days this crossing should be
34 approved. The interchange will then be monitored for about a year and FDOT has indicated they
35 may consider a similar crossing at St. Clair Abrams and US 441 after that time.

36
37 **XII. NEW BUSINESS**

38
39 None

40
41 **XIII. AUDIENCE TO BE HEARD**

42
43 **Don Dixon, Tavares**

44
45 Mr. Dixon asked if Council has determined how the increase in the cost of the pavilion approved
46 on February 20th will be achieved.

47

1 Mr. Drury said the city adjusted the business plan that included additional revenues from the
2 improvements as well as a reduction in the payment of the enterprise to the General Fund. He
3 offered to provide a copy of the business plan to Mr. Dixon which shows the before costs and the
4 revised costs and how it will be paid for. There will be a loan with debt service and that debt
5 service will be covered by the increased revenues and the decreased expenses of the payment to
6 the General Fund.

7
8 Mr. Dixon said in the presentation on February 20th Mr. Drury had used a 60% occupancy rate.
9 He questioned the revenues based on weekend rentals.

10
11 Mr. Drury discussed the number of conference rooms planned and rentals anticipated for
12 weekdays and ancillary businesses that will have opportunities.

13
14 Mr. Drury said he would be happy to meet with Mr. Dixon along with the Finance Director to
15 review the business plan and basis for revenues.

16
17 Vance Joachim, Unincorporated Tavares

18
19 Mr. Joachim discussed his attendance at County and School Board meetings and the blog he
20 writes. He noted he has experience auditing contracts. He noted the [CRA] design engineer had
21 been selected without pricing which is allowed under Florida Statutes. He said there is a law
22 pending that may change the equation to include pricing as one of the criteria. He said at the
23 School Board recently the issue came up that there needs to be a way to educate local
24 contractors to help them be more competitive. He said there is also a one penny fuel tax coming
25 up for renewal that is divided between the cities and county.

26
27 Mr. Drury noted that he believed 80% of the work force works in nearby counties and that many
28 of the contractors derive revenue from work outside of Lake County. He said it is important that
29 the Lake County contractors are not prevented from doing business in other counties and cities,
30 as in some areas if a contractor is from a city that has a local preference policy it may inhibit them
31 from working in another county. Mr. Joachim said he was not advising to have a local preference
32 policy but just wanted to encourage the education of local contractors. Mr. Drury said that was a
33 good recommendation.

34
35 Bill Stomp, Britannia Blvd.

36
37 Mr. Stomp said he would like the Mayor and the Council to understand the importance of the
38 software that was approved today noting it is forward thinking and a very smart move by the City.

39
40 **XIV. REPORTS**

41
42 **Tab 14) City Administrator**

43
44 Mr. Drury referred to the list of upcoming meetings.

45
46 **Economic Development**

47

1 Mr. Neron reminded everyone of the Splash Park reopening this Saturday.
2

3 **Community Services**
4

5 Ms. Rogers said there will be fireworks on Friday night for the Dragonboat Festival.
6

7 **Finance Director**
8

9 Ms. Houghton noted the penny tax referred to by Mr. Joachim is the one cents infrastructure
10 sales tax which can be used for any capital infrastructure of the city and will be up for renewal in
11 December 2017.
12

13 **City Attorney**
14

15 **Tab 24) City Council**
16

17 **Councilmember Pfister**
18

19 Councilmember Pfister noted the Notre Dame Women's Basketball team will be playing on
20 Sunday afternoon and possibly in the national championship on Tuesday.
21

22 **Councilmember Hope**
23

24 Councilmember Hope said he had received a nice letter from Bill Hancock of the Sunnyland
25 Antique Boat Society. The letter commended the city and the staff for their cooperative attitude in
26 supporting the event.
27

28 **Vice Mayor Smith**
29

30 Vice Mayor Smith said the citizens may not realize how much work the staff puts in. He noted the
31 agenda takes a lot of work from all the department heads including Ms. Barnett and it is greatly
32 appreciated
33

34 **Mayor Wolfe**
35

36 Mayor Wolfe commended the staff on the boat show.
37

38 **Adjournment**
39

40 There was no further business and the meeting was adjourned at 5:33 p.m.
41

42 Respectfully submitted,
43

44
45 Nancy A. Barnett, C.M.C.
46 City Clerk