

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
FEBRUARY 20, 2013
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

John Drury, City Administrator
Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Brad Hayes, Utility Director
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 Rick Fountain, First Baptist Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

MOTION

Bob Grenier moved to approve the agenda, seconded by Kirby Smith. The motion carried unanimously 5-0.

IV. APPROVAL OF MINUTES

MOTION

1
2 **Kirby Smith moved to approve the minutes of February 6, 2013, as submitted, seconded by**
3 **Bob Grenier. The motion carried unanimously 5-0.**

4
5 **V. PROCLAMATIONS/PRESENTATIONS**

6
7 None

8
9 **VI – SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EXPARTE CONTACTS**

10
11 There were none.

12
13 **VII READING OF ALL ORDINANCES/RESOLUTIONS**

14
15 None

16
17 **VIII. CONSENT AGENDA**

18
19 Mayor Wolfe asked if anyone in the audience was opposed to the Consent Agenda.

20
21 **MOTION**

22
23 **Bob Grenier moved to approve the consent agenda [Tab 2 – Amendment to Waste**
24 **Management Franchise Agreement for Holiday Recycling Pickup; Tab 3 – Amendment 1 to**
25 **SRF Agreement for Reuse Distribution Facilities – Phases 2 and 3; and Tab 3 – Approval of**
26 **Filing Grant Applications for Wooton Park Expansion & Tavares Pavilion on the Lake],**
27 **seconded by Norman Hope.**

28
29 **The motion carried unanimously 5-0.**

30
31 **IX ORDINANCES/RESOLUTIONS**

32
33 None

34
35 **X. GENERAL GOVERNMENT**

36
37 **Tab 5) Approval of Final Design & Guaranteed Maximum Price for Phase II of the Tavares**
38 **Pavilion on the Lake Project**

39
40 Ms. Rogers stated this is a request to authorize the final design and guaranteed maximum price
41 for Phase II of the Pavilion on the Lake and to authorize the staff to enter into a contractual
42 agreement with the construction manager; to authorize staff to pursue a loan for the additional
43 funds, and to authorize staff to develop a policy that will direct the movement of all excess
44 revenues generated from the pavilion that fall behind the requisite reserves necessary for general
45 operations, to the General Fund.

46

1 Ms. Rogers said the guaranteed maximum price for building phase II, the structure of the pavilion,
2 has come in a \$4,659,417. The total cost of phase I is the pilings and the pier and already
3 installed and that cost was \$1,031,355. After 16 months with the design team the total project
4 cost for Phases 1 and 2 is \$6,336,227 which is a budget difference of \$2,976,227 of which
5 \$280,000 will be expensed back to the Utility Department for the utility work as part of this project.
6 The additional amount being requested to build the project is \$2,696,227. Ms. Rogers said of the
7 total GMP, 17% of the overall project budget has been dedicated to the geothermal heating and
8 air conditioning system and the electro chromic windows.
9

10 Ms. Rogers reviewed the amendments that have been made to the project noting that the design
11 that has been developed maximizes revenues and minimizes expenses. She reviewed the
12 geothermal air conditioning system which will reduce the power bill noting it has allowed for an
13 additional 400 square foot meeting room by being placed outdoors. Other amendments discussed
14 were dual containment system for the sewer system, glass room dividers, commercial kitchen,
15 closed duct work, brick pavers on the concrete pier; sun glare mitigation with a switchable glazing
16 system; and a system for mitigating blind mosquitoes or midges. In addition she discussed the
17 curved stair cases, balcony and two elevators needed (one for guests and one for vendors).
18

19 Mr. Drury reviewed the statistics regarding visits to the marina, Splash Park, historic train rides,
20 and a sold out marina. He discussed the two hotels, five restaurants created, flight school, and
21 two seaplane manufacturing facilities that have come to the city. He noted that other cities have
22 built institutional type facilities however Tavares has tried to apply a civic entrepreneurial spirit to
23 get the facilities to pay for themselves. He discussed the original business plan expenses of
24 around \$435,000. He stated that the city has taken a conservative approach on revenues based
25 on a 60% occupancy rate which is well below other facilities and the area which comes to
26 \$516,000. The General Fund was pledged to contribute \$99,000 for between three to five years.
27 The total revenues were estimated at \$613,000.
28

29 In order to address the additional \$2.7 million dollar funding, the recommendation is to borrow the
30 money over a 20 year period at the current municipal interest rate of 2.75% and the debt service
31 will be about \$179,000. The payment to the General Fund of \$99,000 is requested to be
32 suspended for three to five years as the facility establishes itself. Because the air conditioning
33 was moved out of the prime rental space, that has increased the potential for revenues.
34

35 Mr. Drury said the hope is to exceed expectations and go beyond the 60% occupancy rate and
36 plug back that payment to the General Fund. This will mean the facility will pay for itself and it will
37 serve its purpose as an economic engine and job creator for the City of Tavares.
38

39 Mr. Drury expressed appreciation to Councilmember Pfister for her role and participation as the
40 liaison between the staff and the engineers. He thanked the architect, engineer and construction
41 manager for their hard work in developing this plan for the pavilion.
42

43 Ms. Rogers noted this is a rare opportunity and a gift to be able to build a structure over the water
44 in Florida.

45 Mayor Wolfe asked for Council comments.
46

1 Vice Mayor Smith stated it appeared \$600,000 has been mandated either by permit or
2 regulations. He said once the city meets reserves he wanted to ensure all the monies go back
3 into the General Fund. Mr. Drury confirmed and noted that staff will bring back a policy on this
4 transfer to the General Fund.

5
6 Mayor Wolfe asked for comment from the audience.

7
8 Jerry Wosiki, Tavares

9
10 Mr. Wosiki asked why the mandates were not known about or the type of pilings required were
11 not known before the project began. He said the City does not have the population base of Lake
12 Mary and that he believed the City should be in the business of running a city and not in
13 competition with private business. He asked if an economic survey had been done before the
14 project began.

15
16 Don Dixon, Tavares

17
18 Mr. Dixon said he did not understand how a 50% increase over the original costs had occurred
19 and asked how the occupancy rate was calculated. He said the concept was great but some of
20 the costs were not necessary. He asked if there were any reservations or verbal commitments to
21 rent the buildings.

22
23 Council Comments

24
25 Councilmember Pfister said she had been on the project from the beginning and there had been
26 extensive meetings and time spent on securing the permit from FDEP. She said she felt this
27 project will be the beacon of light for Tavares. She said this will be a unique facility and should not
28 compete with other businesses in the area. She noted Ms. Rogers has had many calls from
29 various vendors and people interested in booking for the facility already. She said she regretted
30 that it has gone over budget but the reasons presented make sense.

31
32 Councilmember Grenier said he would make a motion to approve the staff recommendation.

33
34 **MOTION**

35
36 **Bob Grenier moved to accept the staff recommendation to accept the Guaranteed**
37 **Maximum Price (GMP) for Phase II (construction of the structure) of the Tavares Pavilion**
38 **on the Lake and to enter into a contractual agreement with the Construction Manager at**
39 **Risk; to authorize a loan for additional funds; and to authorize staff to develop a policy**
40 **that will direct the movement of all excess revenues generated from the Pavilion that fall**
41 **beyond the requisite reserves necessary for general operations, to the General Fund. The**
42 **motion was seconded by Lori Pfister**

43
44 Vice Mayor Smith, Councilmember Hope, and Mayor Wolfe spoke in support of the project.

45
46 **The motion carried unanimously 5-0.**

47

1
2 **Tab 6) Hickory Point Annexation**
3

4 Mr. Drury said had had provided information to Council from the past discussions on this issue.
5 He noted Hickory Point is in the County and had an agreement with the City to agree in the future
6 to annex into the City should the city provide them with water and sewer. The City then provided
7 the utilities. Council had requested that the staff discuss this with the Lake County Water
8 Authority who has indicated that they prefer to remain in the County.
9

10 Attorney Williams said Mr. Drury's summary is correct. He said he maintains that the City has the
11 legal right to annex but he has also discussed the fact that the Water Authority has been fairly
12 adamant about not annexing. Mayor Wolfe asked how long it had been since he discussed this
13 with the Water Authority Attorney. Attorney Williams noted it had been a few years and there
14 have been some changes on the Board but it is a policy decision to be made by Council whether
15 or not to force them to annex.
16

17 Mayor Wolfe noted the City has had a good relationship with the Water Authority and perhaps the
18 City should make a formal request to the new Board to discuss this.
19

20 Councilmember Grenier asked if Mr. Drury could draft a list of pros and cons and bring it to
21 Council. Councilmember Pfister asked how enforceable it would be. Attorney Williams explained
22 the background of the request for utilities. He said the utility agreement said that the Water
23 Authority would agree to annex at such time as they became legally contiguous.
24

25 Mr. Drury discussed his draft pros and cons list. He noted the Pros to annex into the City are that
26 it reduces confusion when supporting events; it is a great marina, park and trail system which
27 would be part of the quality of life in Tavares and could be advertised as part of the City; the
28 soccer portion would add to the City's reputation for supporting athletic programs for the youth;
29 and there would be faster police and fire services; it honors the intent of the original agreement;
30 and it places privately held property along the Lake Harris property contiguous to the City for
31 future annexation. On the Con side, the City would be responsible for police and fire first
32 response which could be considered a liability in terms of costs; the agency would now pay in city
33 water and sewer rates (they currently pay the out of the city rate which is higher); and the Water
34 Authority has shown no desire to annex in however has had a good relationship with the City. The
35 Water Authority has provided significant grants to the City for the downtown stormwater and the
36 Dora Canal Bridge replacement.
37

38 Discussion followed with consensus for Mr. Drury to discuss the issue with the Water Authority.
39 Mr. Drury said he will put together a team to move forward with Council's direction.
40

41 **XI. OLD BUSINESS**
42

43 None.
44

45 **XII. NEW BUSINESS**
46

47 **XIII. AUDIENCE TO BE HEARD**

1
2 Betty Burleigh, Tavares
3
4 Ms. Burleigh said the Daily Commercial has a wonderful article on Tom Russ and his trains. She
5 passed the article to Council.

6
7 **XIV. REPORTS**
8

9 **Tab 14) City Administrator**

10 Mr. Drury referred to the list of upcoming meetings. He said this Saturday marks the 99th
11 anniversary of the first seaplane to fly in off the lake shores of Tavares by Tony Janus.

12
13 Councilmember Grenier noted Mr. Janus is mentioned in his book about Tavares.

14
15 **Tab 24) City Council**

16
17 **Councilmember Pfister**
18

19 **Councilmember Hope**

20 Councilmember Hope said he was proud to be an American last Saturday at the flag pole
21 dedication. He congratulated Mayor Wolfe on his comments about the arrival of the seaplanes.
22 He noted it was a culmination of all the efforts of the staff and a tribute to all the residents who
23 contributed to the monument.

24
25 **Councilmember Grenier**

26 Councilmember Grenier noted Mr. Thompson did a great job on is presentation at the dedication.

27
28 **Vice Mayor Smith**

29 Vice mayor smith said the ceremony was beautiful and he appreciated seeing so many staff
30 members participating.

31
32 Vice Mayor Smith said on this day in 1839 the US Congress prohibited dueling in the District of
33 Columbia.

34
35 **Mayor Wolfe**

36 Mayor Wolfe thanked Mr. Thompson for taking the lead on the flagpole monument and agreed it
37 was a great event.

38
39 **Adjournment**

40
41 There was no further business and the meeting was adjourned at 5:19 pm.

42
43 Respectfully submitted,

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