

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MARCH 19, 2014
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

STAFF PRESENT

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

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor John Barham, First United Methodist Church, gave the invocation and those present recited the pledge of allegiance.

III. APPROVAL OF AGENDA

MOTION

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

IV. APPROVAL OF MINUTES

Tab 1) Approval of Minutes – March 5, 2014

1
2 **Robert Speaks requested a correction on Page 3, line 15-17, noting that Norman Hope was**
3 **shown as both moving and seconding the Consent Agenda. [Motion to approve the**
4 **Consent Agenda of March 5, 2014 was made by Robert Speaks and seconded by Norman**
5 **Hope.]**

6
7 **The minutes of March 5, 2014 with the above correction were approved unanimously.**
8

9 **V. PROCLAMATIONS/PRESENTATIONS**

10
11 **Tab 2) National Surveyors Week**

12
13 Mayor Wolfe read a proclamation designating March 16-22, 2014 as National Surveyors Week.
14 He presented the proclamation to the group of surveyors in attendance.
15

16 **Tab 3) Aviation Appreciation Month**

17
18 Mayor Wolfe read a proclamation designating April as Aviation Appreciation Month. He presented
19 the proclamation to Mr. Drury representing aviators.
20

21 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE CONTACTS**

22
23 Attorney Williams noted there was one quasi-judicial matter, Fisherman's Cove Comprehensive
24 Plan Amendment (Tab 8). He swore in those who would be giving testimony.
25

26 Council indicated there were no ex-parte communications on this matters.
27

28 **VII. READING OF ALL ORDINANCES/RESOLUTIONS**

29
30 Ms. Barnett read the following ordinances and resolution by title only:
31

32 **RESOLUTION 2014-09**

33
34 **RESOLUTION AUTHORIZING THE FILING AND ADMINISTRATION OF A**
35 **FLORIDA BOATING IMPROVEMENT GRANT**

36
37 **RESOLUTION 2014-04**

38
39 **A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, RELATING TO THE**
40 **STATE REVOLVING FUND LOAN PROGRAM; ADOPTING THE CITY OF**
41 **TAVARES' CAPITAL FINANCING PLAN; RE-ESTABLISHING THE**
42 **PREVIOUSLY APPROVED PRELIMINARY ENGINEERING REPORT AND**
43 **ENVIRONMENTAL REPORT; AUTHORIZING SUBMISSION OF THE PLAN**
44 **TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION**
45 **(FDEP); AND DESIGNATING THE AUTHORIZED REPRESENTATIVE AND**
46 **PROVIDING AN EFFECTIVE DATE.**
47

ORDINANCE 2013-22

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN AND FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 36 ACRES OF PROPERTY FROM CITY COMMERCIAL TO CITY MIXED USE COMMERCIAL, REMOVING AN ASSOCIATED COMPREHENSIVE TEXT AMENDMENT THAT RESTRICTS THE INTENSITY OF THE SITE AND THAT PROHIBITS ANY RESIDENTIAL USE ON THE SITE, FOR PROPERTY GENERALLY WEST OF NORTH EICHELBERGER ROAD, SOUTH OF LANE PARK ROAD AND NORTHWESTERLY OF STATE ROAD 19; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

VIII CONSENT AGENDA

Mayor Wolfe asked if anyone in the audience opposed the Consent Agenda items.

MOTION

Norman Hope moved to approve the Consent Agenda [TRIM calendar for Fiscal Year Budget 2015 and Appointment to Lake Community Action Agency – Steve Pueschel], seconded by Robert Speaks. The motion carried unanimously 5-0.

IX. ORDINANCES/RESOLUTIONS

Tab 6) Resolution #2014-04 – Capital Financing Plan and State Revolving Fund Loan Agreement for Stormwater Project

Ms. Houghton stated this resolution is for the purpose of adopting the Capital Financing Plan to accompany the Preliminary Engineering Report and Environmental Report submitted to the Florida Department of Environmental Protection for State Revolving Fund Loan requirements. She reviewed the summary to date of this project.

MOTION

Robert Speaks moved to approve Resolution #2014-04, seconded by Kirby Smith. The motion carried unanimously 5-0.

Tab 7) Resolution #2014-09 – Florida Boating Improvement Grant – Filing for Wooton Park Expansion

Mr. Neron advised that Council has previously authorized staff to submit several grant applications to seek funds for enhancing the Wooton Park expansion project. The boating improvement grant due at the end of the month requires a resolution from Council authorizing the filing of the grant and designating a project manager (Economic Development Director).

1 **MOTION**

2
3 **Kirby Smith moved to approve Resolution #2014-04, seconded by Robert Speaks. The**
4 **motion carried unanimously 5-0.**

5
6 **Tab 8) Ordinance #2013-22 – Fisherman’s Cove – Large Scale Future Land Use Map**
7 **Amendment**

8
9 Mr. Skutt reported that this is final reading and adoption hearing for the Large Scale Future Land
10 Use Map Amendment for Fisherman's Cove at 28721 State Road 19. It changes the designation
11 from Commercial to a Mixed Use Commercial.

12
13 On January 15, 2014 Council held a Public Transmittal Hearing on this amendment. At that
14 meeting the amendment was approved for transmittal to the Department of Economic Opportunity
15 for review. The State has responded that they have no comments related to state resources or
16 facilities that would be impacted if this amendment were to be adopted. The Planning & Zoning
17 Board recommended unanimous approval of this amendment on December 19, 2013 and staff
18 recommends approval.

19
20 **MOTION**

21
22 **Norman Hope moved for approval of Ordinance #2013-22, seconded by Robert Speaks.**
23 **The motion carried unanimously 5-0.**

24
25 **X. GENERAL GOVERNMENT**

26
27 **Tab 9) Replacement of Lost Public Parking Spots on Alfred Street**

28
29 Mr. Skutt advised that the Alfred Street One Way Parking Project is underway. When completed
30 Alfred Street will become a city maintained road under the Interlocal Agreement with the County.
31 When the road upgrades were under design, one of the objectives was to add as much paved
32 safe on-street parking as possible and 28 parking spaces were added to those two road corridors.

33
34 Prior to the project there existed only five on-street paved parking spaces in these two corridors
35 and these were located at the southwest intersection of Alfred and Disston in front of the Corman
36 and Son commercial building. Unfortunately that location needed a turn lane and through lane
37 and out of necessity those five spaces had to be removed because there was insufficient road
38 right of way.

39
40 The owner (Mr. Corman) desires to replace the on-street parking spaces by using a dirt and
41 gravel area located behind his building to create five paved replacement spaces. Access to the
42 new parking lot would be from Boulware Alley He is requesting that the city contribute one-half of
43 the cost of constructing this parking lot as he believes the parking spaces contributed to the
44 economic vitality of his business. The estimate to create the code compliant parking spaces is
45 \$21,176.

46

1 Staff recommends approval of the request subject to receiving an ingress/egress easement from
2 the owner for public use and access to these spaces and subject to inspection of the work
3 performed to the city's satisfaction. Mr. Skutt noted this is an unbudgeted item and would need to
4 be taken out of General Fund reserves.

5
6 Councilmember Smith asked if Mr. Corman was present. Mr. Skutt stated he had spoken to Mr.
7 Corman and he had indicated he planned to be present.

8
9 Councilmember Smith asked if the parking area would be considered city property after it was
10 completed. Attorney Williams said it would still be his private property but the city would have an
11 easement over the parking lot and they would be public spaces.

12
13 Councilmember Speaks asked if any other spaces could be added. Mr. Skutt said it will only allow
14 five spaces.

15
16 Councilmember Smith requested to table this item so that Council can ask Mr. Corman whether
17 he fully understands the proposal.

18
19 Discussion followed on staff's communications with Mr. Corman. Mr. Drury suggested Council
20 could vote to move forward subject to Mr. Corman executing the easement.

21
22 Councilmember Smith said it would be a good agreement for the city but he wanted to be sure
23 Mr. Corman understood. Attorney Williams noted the spaces that were in front of his building that
24 are now going away, were also public spaces.

25
26 Vice Mayor Pfister said she was unsure whether she wanted to invest in a parking lot noting the
27 spaces were public before.

28
29 Mr. Drury discussed the concept of "public pocket parking lot" which have 10 spaces or less. He
30 said a healthy community will have several small parking lots scattered throughout.

31
32 Vice Mayor Pfister said she would be agreeable as long as the parking spaces are clearly
33 identified as public parking.

34
35 **MOTION**

36
37 **Norman Hope moved to approve the request, contingent on the owner signing the**
38 **easement so he understands it is public parking, seconded by Robert Speaks. The motion**
39 **carried 4-1:**

40
41 **Robert Wolfe** Yes
42 **Lori Pfister** Yes
43 **Norman Hope** Yes
44 **Kirby Smith** No
45 **Robert Speaks** Yes

46
47 **Tab 10) Discussion on Distribution of Free Publications**

1
2 Mr. Drury stated that increasingly there are publishers of various free newspapers that are
3 distributing them throughout the community, particularly in high density areas. He presented
4 some samples of free newspapers that eventually decompose if not picked up. He noted there
5 are various residents who leave for long periods and attempt to have neighbors pick up the
6 newspaper when they are gone.
7

8 Mr. Drury discussed the Mt. Dora ordinance that allows owners to request to the newspaper or
9 company to be put on a “do not deliver” list. He said he is requesting direction on whether to have
10 the city attorney craft an ordinance addressing this issue.
11

12 Councilmember Speaks asked if any city other than Mt. Dora has a similar ordinance. Mr. Drury
13 said he did not know about this locally but Mt. Dora obtained their ordinance from out west.
14 Attorney Williams stated there are five or six communities in Florida that have an ordinance. He
15 discussed some of the legal issues concerning handbills. He noted this will not be a city issue; it
16 will be initiated by the homeowner who would give the notice and reference the ordinance.
17

18 Councilmember Speaks asked how comprehensive the ordinance would be. Attorney Williams
19 quoted from the Mt. Dora ordinance noting it would be fairly broad and might include handbills in
20 a door. Councilmember Speaks discussed the problem of vacant houses.
21

22 Attorney Williams acknowledged it may be difficult to contact some of the companies distributing
23 material; however, the newspapers identified by Mr. Drury do have contact information.
24

25 Vice Mayor Smith, Councilmember Speaks and Mayor Wolfe spoke in support. Councilmember
26 Speaks asked how the ordinance will be enforced. Attorney Williams acknowledged the
27 enforcement may not be easy, however it will be included under police or code enforcement..
28

29 **MOTION**
30
31

32 **Kirby Smith moved to draft an ordinance for City Council approval, seconded by Norman**
33 **Hope. The motion carried unanimously 5-0.**
34

35 **Tab 11) Award of Police Vehicles and Solid Waste Vehicle – Capital Lease Bid**
36

37 Ms. Houghton said this item is to request approval of the award of the RFP to finance the
38 purchase of 12 police vehicles and one solid waste vehicle (RFP No. 2014-0007). She reviewed
39 the previous action taken by City Council. She said staff will be recommending at the April 2nd
40 City Council meeting to piggy back off the Sheriff’s bid.
41

42 Ms. Houghton discussed the bid process and how the RFP was advertised. She
43 discussed the six responses that had been received. Staff recommendation was to award
44 the RFP to BB&T Bank for Lease Purchase Revenue Note, Series 2014 in the amount of
45 \$690,000 plus cost of issuance for a term of 5 years at a rate of 1.33% to finance the 12
46 police vehicles and one automated solid waste vehicle and request staff to prepare a
47 resolution with bond counsel for debt issuance, and set a date for the bond closing.

1
2 Councilmember Speaks commended Ms. Houghton for the research that was done.
3 Councilmember Smith asked what was budgeted per car. Ms. Houghton said the budget
4 did not fully anticipate the cost to purchase the vehicles but because the debt service is
5 lower, the overall purchase comes within the budget.

6
7 Councilmember Smith asked in the future if the budget information and more details
8 regarding the purchase could also be included in the summary.

9
10 **MOTION**

11
12 **Robert Speaks moved for approval of Agenda Tab 11 for award of the RFP #2014-**
13 **0007, seconded by Kirby Smith. The motion carried unanimously 5-0.**

14
15 **Tab 12) Work Authorization for Arcadis to Provide Construction Administration**
16 **Services for Royal Harbor Potable Water Booster Pump Station**

17
18 Mr. Hayes said this is to approve the Work Authorization for construction administration
19 services associated with the Royal Harbor Booster Pump Station project in the amount of
20 \$77,500.00. He reviewed the work that was done under a prior authorization for design
21 and permitting and bidding services by Arcadis. The project has been designed and
22 permitted and is out to bid. This agreement will cover the engineering services to oversee
23 the installation to ensure it is done in exact performance of the bid specifications. Mr.
24 Hayes reviewed the specific duties for this service.

25
26 Councilmember Smith asked for confirmation of the price negotiated and the length of the
27 project. Mr. Hayes confirmed and said the length of the project would be 7 months to
28 substantial completion and 30 days for final completion.

29
30 **MOTION**

31
32 **Kirby Smith moved to approve the Work Authorization with Arcadis U.S. Inc. for**
33 **construction administration services for the Royal Harbor Water Booster Pump**
34 **Station in the amount of \$77,500 and authorize the City Administrator to execute**
35 **the agreement, seconded by Robert Speaks. The motion carried unanimously 5-0.**

36
37 **Tab 13) Scope of Work and Fee Estimates for Final Engineering of the Wooton Park**
38 **Expansion Project – Phase 2 Design Services**

39
40 Mr. Neron stated the Wooton Park Expansion design was broken up into two design
41 phases. Phase 1 was the design services for the preliminary concept plan and filing of the
42 FDEP permit application. Phase 2 will be to develop a set of biddable engineered plans
43 and specifications that incorporate the City Council's approved concept plans as well as
44 any DEP permit conditions.

45
46 Staff has developed a scope of services with Avcon and has negotiated a fee in the
47 amount of \$171,941.00 to complete all of the outlined items in the scope of work that will

1 produce a set of biddable plans and specifications. It is estimated at this time if all the
2 grant funding becomes available to go out to bids by late summer or early fall of 2014.

3
4 Councilmember Smith asked if the final design will include the pavilion and bathroom at
5 the other end. Mr. Neron confirmed. He said it will be designed as a component of the
6 bathroom storage building. Mayor Wolfe said he had seen that included in the projected
7 numbers. Mr. Neron said that was correct and it is subject to the \$80,000 being funded
8 [by Sunnyland]. Councilmember Smith said he wanted to ensure it includes all the
9 expanded items.

10
11 **MOTION**

12
13 **Norman Hope moved to approve the Scope of Work and authorize the City**
14 **Administrator to enter in to a Final Design Services contract with Avcon Inc. in the**
15 **amount of \$171,941 for final engineering and design of the Wooton Park Expansion**
16 **Project, seconded by Lori Pfister. The motion carried unanimously 5-0.**

17
18 **XI. OLD BUSINESS**

19
20 **XII. NEW BUSINESS**

21
22 **XIII. AUDIENCE TO BE HEARD**

23
24 Mayor Wolfe asked for public comment for anything not on the agenda.

25
26 **XIV. REPORTS**

27
28 **Tab 14) City Administrator**

29
30 **City Clerk**

31
32 **Human Resources**

33
34 **Economic Development**

35
36 Mr. Neron discussed the various upcoming events.

37
38 **Public Works**

39
40 **Public Communications**

41
42 **Utility Department**

43
44 **Police Department**

45
46 **Community Services**

47

1 **Fire Department**

2
3 **Community Development**

4
5 **Finance Department**

6
7 **City Attorney**

8
9 Attorney Williams noted if the agenda had been printed it would have been 285 pages long or
10 3000 pages for all so the cost of the tablets has probably been paid for through print savings.

11
12 **Tab 15) City Council**

13
14 **Vice Mayor Pfister**

15
16 **Councilmember Hope**

17
18 Councilmember Hope thanked Mr. Hayes, Ms. Houghton, and Mr. Neron for their preparation and
19 diligence and hard work behind the scenes.

20
21 **Councilmember Speaks**

22
23
24 **Councilmember Smith**

25
26 Councilmember Smith noted Council had received a Water Festival magazine that was very
27 professionally done. Mr. Neron said that Triangle Publications does production but all of the city
28 chambers work together. He said Ms. Ross has done a great job with the advertising for the city.

29
30 Councilmember Smith said on this day in 1918 Congress authorized daylight savings time and on
31 this day in 1931 the State of Nevada legalized gambling.

32
33 **Mayor Wolfe**

34
35 Mayor Wolfe noted Wyatt Earp was born on this day [in 1848].

36
37 **Adjournment**

38
39 There was no further business and the meeting was adjourned at 5:07 p.m.

40
41 Respectfully submitted,

42
43
44 Nancy A. Barnett, C.M.C.
45 City Clerk