

**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
MAY 7, 2014
CITY COUNCIL CHAMBERS
4:00 p.m.**

COUNCILMEMBERS PRESENT

ABSENT

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

Robert Wolfe, Mayor

STAFF PRESENT

Robert Q. Williams, City Attorney
Nancy Barnett, City Clerk
Brad Hayes, Utility Director
Lori Houghton, Finance Director/Acting City Administrator
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
Chief Stoney Lubins, Police Department

I. CALL TO ORDER

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Rick Fountain, First Baptist Church of Tavares, 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 Robert Speaks. The motion carried unanimously 4-0.

IV. APPROVAL OF MINUTES

Tab 1) Approval of Minutes – April 2 and 16, 2014

1 **MOTION**

2
3 **Norman Hope moved for approval of the minutes of April 2, 2014 and April 16, 2014, as**
4 **submitted, seconded by Robert Speaks. The motion carried unanimously 4-0.**

5
6 **V. PROCLAMATIONS/PRESENTATIONS**

7
8 **Tab 2) Stamp Out Hunger Food Drive, May 10, 2014**

9
10 Vice Mayor Pfister read a proclamation recognizing May 10, 2014 as Stamp Out Hunger Food
11 Drive sponsored by the National Association of Letter Carriers.

12
13 **Tab 3) National Public Works Week – May 18-24, 2014**

14
15 Vice Mayor Pfister read a proclamation designating May 18-24 as Public Works Week.

16
17 **Tab 3) Water Reuse Week – May 18-24, 2014**

18
19 Vice Mayor Pfister read a proclamation recognizing Water Reuse Week May 18-24, 2014.

20
21 **Tab 4) American Public Works Association Central Florida Branch Project of the Year**
22 **Award**

23
24 Vice Mayor Pfister presented the Project of the Year award to Chris Thompson, Director of Public
25 Works, on behalf of the American Public Works Association Central Florida Branch for the
26 Freedom Flag (located in the traffic circle adjacent to the Judicial Center).

27
28 Chris Thompson thanked everyone for their support. He said it was done as a collaboration of the
29 citizens and staff members Joyce Ross and Lauren Farrell and everyone in the city.

30
31 Vice Mayor Pfister commended Mr. Thompson.

32
33 **VI. SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX PARTE CONTACTS**

34
35 Attorney Williams stated there were two quasi-judicial matters, Tab 8 - Ordinance #2014-04 –
36 Transmittal Hearing for the Large Scale Future Land Use Map Amendment for Tavares Village
37 Shops at SR 19 and CR 561. He noted it is also on the agenda for first reading but discussion
38 would occur at the second reading. The second is Tab 9 – Resolution #2014-11 – Extension of
39 Special Use permit for Storage of Boats and Trailers at Fox Run Subdivision. He swore in those
40 who would be giving testimony.

41
42 Council indicated there were no ex-parte communications on these matters.

43
44 **VII. READING OF ALL ORDINANCES/RESOLUTIONS**

45
46 Ms. Barnett read the following ordinances and resolutions by title only:
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ORDINANCE 2014-03

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AN ORDINANCE OF THE CITY OF TAVARES AMENDING THE BOUNDARIES OF THE CITY BY ANNEXING APPROXIMATELY 15.15 ACRES LOCATED ON THE WEST SIDE OF S.R. 19 AT THE INTERSECTION OF C.R. 561; REZONING SAID PROPERTY FROM LAKE COUNTY AGRICULTURAL AND PLANNED INDUSTRIAL TO CITY OF TAVARES HIGHWAY COMMERCIAL (C-2); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE 2014-04

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE LAND USE MAP 2020, PROVIDING FOR A CHANGE OF FUTURE LAND USE DESIGNATION ON APPROXIMATELY 15.15 ACRES OF LAND GENERALLY LOCATED ON THE WEST SIDE OF S.R. 19 AT THE INTERSECTION OF C.R. 561 FROM COUNTY URBAN MEDIUM TO CITY COMMERCIAL; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

RESOLUTION 2014-11

A RESOLUTION OF THE CITY OF TAVARES, FLORIDA, APPROVING A TIME EXTENSION OF FIVE YEARS FOR A SPECIAL USE PERMIT GRANTED FOR THE STORAGE OF VEHICLES, BOATS, AND TRAILERS ON PROPERTY LOCATED ADJACENT AND EASTERLY OF THE FOX RUN SUBDIVISION, LYING SOUTH OF DEAD RIVER ROAD; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

RESOLUTION NO. 2014 - 13

A RESOLUTION INITIATING A PROGRAM FOR THE PURPOSE OF PROVIDING WATER AND WASTEWATER IMPROVEMENTS FOR SUNSET VIEW AND THREE LAKES PARK, LOCATED ADJACENT TO TAVARES, LAKE COUNTY, FLORIDA; DESIGNATING CONSULTING ENGINEERS FOR SUCH IMPROVEMENTS AND INSTRUCTING THE CONSULTING ENGINEERS TO PREPARE PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS, AN ASSESSMENT PLAT SHOWING THE AREA TO BE ASSESSED AND AN ESTIMATE OF THE COST OF SUCH IMPROVEMENTS; AND PROVIDING AN EFFECTIVE DATE.

45 **VIII. CONSENT AGENDA**

1 **MOTION**

2 **Robert Speaks moved for the approval of the Consent Agenda [Extension of Jones**
3 **Brothers Agreement), seconded by Norman Hope. The motion carried unanimously 4-0.**

4 **TRANSMITTAL HEARING**

5
6 **Tab 7) Ordinance #2014-04 – Large Scale Future Land Use Amendment – 15.5 Acres –**
7 **West Side of SR 19 at CR 561 – Tavares Village Shops**

8
9 Mr. Skutt stated this is a 50 acre site located on the west side of SR 19 and CR 561. Staff is
10 concurrently processing applications for an annexation and rezoning of this property which will be
11 discussed at the second reading on May 21.

12
13 The purpose of this ordinance is to change the Future Land Use Designation from County Urban
14 Medium to City Commercial. If approved this amendment will be sent to the state to determine if
15 any objections. Mr. Skutt noted a future land use designation is an indication of a city's vision of
16 how city areas and city corridors will develop over the next 20 years. Tavares has already
17 established through its existing Future Land Use Map that this segment of SR 19 will become a
18 main commercial corridor in the city.

19
20 The Planning & Zoning Board voted unanimously for approval at its meeting on April 17th and
21 staff recommends approval of the transmittal of this ordinance.

22
23 **MOTION**

24
25 **Kirby Smith moved to approve Ordinance #2014-04 for transmittal, seconded by Robert**
26 **Speaks.**

27
28 Vice Mayor Pfister asked for audience comment.

29
30 **The motion carried unanimously 4-0.**

31
32 **IX. ORDINANCES/RESOLUTIONS**

33
34 **Tab 9) Resolution #2014-11 – Extension of Special Use Permit for Storage of Vehicles,**
35 **Boats and Trailers next to Fox Run Subdivision**

36
37 Mr. Skutt stated this is a request to extend the special use permit for the storage of vehicles,
38 boats and trailers on property that is located adjacent and east of the Fox Run Subdivision. This
39 special use permit was granted in 2007 with certain stipulations. The city has extended this permit
40 several times but it has expired and the owner is requesting a five year extension. The owner has
41 complied with the original conditions of the permit. No complaints have been received about this
42 use and no objections to this request have been received. The Planning & Zoning Board voted
43 unanimously on April 17th to recommend approval and staff recommends approval.

44

1 Councilmember Speaks asked if there had been any additions or corrections to the original
2 agreement. Mr. Skutt said there have been no changes.

3
4 **MOTION**

5
6 **Norman Hope moved to approve Resolution #2014-11, seconded by Kirby Smith.**

7
8 Vice Mayor Pfister asked for audience comment.

9
10 **The motion carried unanimously 4-0.**

11
12 **Tab 10) Resolution #2014-13 – Initiating Water & Wastewater Improvements for Sunset**
13 **View and Three Lakes Park**

14
15 Attorney Williams stated that this is the beginning of the process initiated at least over a year ago
16 in order to provide water and wastewater out to the Sunset View and Three Lakes Park (TLP). As
17 noted from past meetings, preliminary design has been done, and easements and rights of way,
18 utility agreements and annexation agreements from homeowners have been obtained. The
19 owners have agreed to be assessed for the work that will be done. Attorney Williams stated that
20 the pipes will go under the road and enter at the Three Lakes entrance by the boat basin and
21 then will turn to the west to go to Sunset View, then turn right and go through Three Lakes Park.
22 It will bring water, sewer, and fire protection. There will be some limited street paving done. The
23 line that goes to the Three Lakes Park will also go to the Buzzard Beach property. He discussed
24 the history of the problems with the septic tanks at TLP.

25
26 He asked Mr. Wicks, project engineer to confirm the estimated cost per single family connection.
27 Mr. Wicks responded that he believes it is around \$120 per month per connection. The overall
28 estimate of the cost of the project is about \$750,000 which comes out to be between \$12,000 to
29 \$14,000 per connection.

30
31 Attorney Williams noted that under the utility agreement because this was initiated before the
32 impact fee waiver program was expired, the owners who have signed on will come under that
33 waiver program.

34
35 Attorney Williams said the purpose of this resolution is to explain the project, and approve the
36 inducement resolution. It authorizes the project to be initiated and bid. When the bids come in
37 there will be three more resolutions in the process: acceptance of the bids, authorization of the
38 work, and finalization of the assessments. The terms of annexation are to annex within five years
39 after the project is completed.

40
41 Mr. Wicks discussed the status of the bid noting the bids will be due on May 27th.

42
43 Councilmember Speaks asked how many parcels have not signed on. Mr. Wicks said the
44 easements have been acquired however it is anticipated there are four to five parcels that may
45 opt out. Attorney Williams noted the impact fees will be applied later for any parcels that have not
46 signed on at this stage of the project.

47

1 Vice Mayor Pfister asked for public comment.
2

3 **MOTION**
4

5 **Robert Speaks moved for approval of Resolution #2014-13, seconded by Norman Hope.**
6 **The motion carried unanimously 4-0.**
7

8 **X. GENERAL GOVERNMENT**
9

10 **Tab 11) Agreement for Engineering and Design for Lift Station 49 – Rehabilitation and**
11 **Increase of Sewer Line Capacity**
12

13 Brad Hayes reported that this is a request to relocate the existing force main from Lift Station 49
14 into an existing 12 inch force main, replace the existing pumps with new pumps and rehabilitate
15 the existing 10 inch gravity sewer main along Mt. Homer Road. This work will provide a better
16 wastewater flow design and additional reliability for this area while supporting future growth. The
17 work will take place on the existing City Lift Station 49 site and work within the Mt. Homer Road
18 right of way. Staff recommends approval for the work authorization in the amount of \$126,512.
19

20 **MOTION**
21

22 **Kirby Smith moved to approve the work authorization for the Lift Station 49 improvements**
23 **with Arcadis in the amount of \$126, 512, seconded by Robert Speaks. The motion**
24 **carried unanimously 4-0.**
25

26 **Tab 12) Award of Bid for Royal Harbor Water Pressure System**
27

28 Brad Hayes discussed the background of the long term problems with the Royal Harbor water
29 pressure system and the recent bid process for construction. He noted six bidders responded.
30 The apparent low bidder Jones Mechanical Corporation voluntarily withdrew their bid. The second
31 low bidder is A.C. Schultes of Florida. Review of their references indicated a potential lack of
32 experience for this project therefore a review of the third apparent low bidder Pospiech
33 Contracting was performed. Their references indicated good review with similar work experience.
34

35 Staff recommends approval of the award to Pospiech Contracting, Inc. in the amount of
36 \$810,000.00.
37

38 Ms. Stewart from Arcadis clarified how the review was done and noted the references provided
39 for the second bidder were not relevant to this type of work. The third low bidder, Pospiech
40 Contracting, was then reviewed and better reviews obtained.
41

42 **MOTION**
43

44 **Kirby Smith moved to award the bid to the third lowest bidder per staff recommendation,**
45 **seconded by Robert Speaks. The motion carried unanimously 4-0.**
46

1 **Tab 13) Interlocal Agreement between Lake County and Municipalities relating to**
2 **Local Option Fuel Tax**

3
4 Ms. Houghton stated this agreement will set forth the distribution formula for all gas tax
5 revenues based on 50% of the population and 50% of road mile.

6
7 The 6 cents Local Option Fuel Tax is up for renewal and is scheduled to go into effect on
8 September 1, 2014. Ms. Houghton noted Councilmember Speaks has been attending the Local
9 Option Fuel Tax Committee Meeting in which the options for renewal were discussed and each
10 city was asked to vote on an option. If 51% of the population of the cities represented by their City
11 Councils can agree on a formula, that will be the formula that will be applied for the next 20 years.
12 If the councils cannot agree on a formula, the formula defaults to state statute formula (default
13 formula).

14
15 Ms. Houghton reviewed the options and noted Option #2, the formula based on Population and
16 Road miles, is being recommended.

17
18 **MOTION**

19
20 **Norman Hope moved to approve the Interlocal Agreement with Lake County for renewed**
21 **Local Option Gas Tax with Distributions based on 50% road miles and 50% population,**
22 **seconded by Kirby Smith. The motion carried unanimously 4-0.**

23
24 **Tab 14) Amendment One to State Revolving Fund Loan Debt Purchase Agreement**
25 **(DP 350900) for the Downtown CRFA Wastewater Rehabilitation**

26
27 Ms. Houghton stated this is to request approval of an amendment to this agreement in the
28 amount of \$500,000 with an interest rate of 2.06% of this portion. This represents additional costs
29 that are needed for the project to restore roads and sidewalks damaged or removed due to
30 project construction. She noted she had projected a review of the project history in the agenda
31 summary. She said this will increase the loan principle from \$5,427,500 to \$5,927,500 (excluding
32 capitalized interest and loan service fees). The amount of the loan payment will change from
33 \$236,074 to \$256,120 annually. Staff recommends approval.

34
35 Councilmember Smith asked if the rate study has covered this increase. Ms. Houghton
36 confirmed. She said the bid was lower than the original estimate.

37
38 **MOTION**

39
40 **Kirby Smith moved to approve the SRF Loan DP350900 Amendment No. 1 in the amount of**
41 **\$500,000, increasing the loan principal from \$5,427,500 to \$5,927,500 (excluding**
42 **capitalized interest and loan service fees) for Wastewater System improvements in the**
43 **Downtown CRA, and authorize the Mayor or Vice Mayor to execute the loan amendment**
44 **documents. The motion was seconded by Norman Hope.**

45
46 **The motion carried unanimously 4-0.**

47

1 **Tab 15) Amendment No. 3 for the State Revolving Fund Loan WW 350920 for Reuse**
2 **Distribution Lines Phases 2 and 3**

3
4 Ms. Houghton stated this is the final amendment to the reuse SRF Loan for Phases 2 and 3 in the
5 amount of \$200,000 which will complete all the technical requirements that are needed for the
6 new facility. She noted a historical reference of the project has been provided in the agenda
7 summary. The amendment will increase the amount of the loan in the amount of \$200,000. The
8 revised principal loan amount will change from \$2,850,638 to \$3,050,638 (which excludes
9 capitalized interest and loan service fees, which will also be adjusted). The semi-annual loan
10 payment is revised from \$93,866 to \$102,114, beginning October 15, 2014 and thereafter on
11 October 15 and April 15 until all amounts due have been fully paid.

12
13 Councilmember Smith asked for confirmation that this amount is covered under the rate study.
14 Ms. Houghton confirmed and noted that this project also came in lower when the bids were
15 received.

16
17 **MOTION**

18
19 **Norman Hope moved to authorize the Mayor or Vice Mayor to execute Amendment Number**
20 **3 with the Florida Department of Environmental Protection State Revolving Loan Fund**
21 **(WW 350920) for Phases 2 and 3 of the Water Reclamation Project which increases the**
22 **principal amount of the loan by \$200,000. The motion was seconded by Robert Speaks.**
23 **The motion carried unanimously 4-0.**

24
25 **XI. OLD BUSINESS**

26
27 **Wind Signs**

28
29 Councilmember Smith said recently the topic of wind signs was discussed by City Council and it
30 was determined that the City would not allow any wind signs in the city limits. He said he has
31 since noticed three wind signs in the city limits: Jones Brothers in Wooton Park and in front of the
32 restaurant Pastore's and Pressed for Time restaurant.

33
34 He said he had requested at the previous discussion to allow staff to review and come back with
35 an ordinance to regulate wind signs. He requested that Council re-think the decision not to allow
36 wind signs. He noted the signs he had observed are tastefully done.

37
38 Councilmember Speaks commented that at the previous discussion there was mention of the
39 possibility of a sign permit and a limited amount of time they could be displayed. He agreed to
40 have staff review. Councilmember Hope said he was also in favor of a sign permit, limiting the
41 amount of signs and how long they could be used. He said he believed the city should control the
42 number of signs. Vice Mayor Pfister said she had voted to continue to not allow them because the
43 problem is ruling on whether or not a sign is "tastefully done." She said she does not mind re-
44 addressing it but knows it will be a challenge for Code Enforcement. She suggested allowing two
45 signs per business.

46
47 **MOTION**

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2 **Kirby Smith moved to allow staff to go over the wind sign issue and bring it back to**
3 **Council for consideration with one recommendation (i.e. what staff considers the best**
4 **option), seconded by Norman Hope.**

5
6 Mr. Drury said that staff will bring back three or four options with one recommendation.

7
8 Vice Mayor Pfister asked if anyone in the audience has an opinion on this issue.

9
10 Lou Buigas, 206 W. Main Street, stated that two per business is probably too much because
11 there can be several businesses in one location. She said tasteful is the key.

12
13 Mr. Drury said he agrees with the idea of a permit and limited time because the biggest concern
14 with wind signs is appearance when they fade.

15
16 **The motion carried unanimously 4-0.**

17
18 **XII. NEW BUSINESS**

19
20 **XIII. AUDIENCE TO BE HEARD**

21
22 Vice Mayor Pfister asked for public comment for anything not on the agenda.

23
24 **XIV. REPORTS**

25
26 **Tab 14) City Administrator**

27
28 Mr. Drury said he has provided a list of upcoming events and meetings.

29
30 **City Clerk**

31
32 **Human Resources**

33
34 Ms. Tucker reminded Council of the upcoming Picnic in the Park and noted she had sent out
35 invitations to Council. The date is Friday May 16th at 11:30.

36
37 **Economic Development**

38
39 **Public Works**

40
41 **Public Communications**

42
43 **Utility Department**

44
45 **Police Department**

46
47 **Community Services**

1
2 Ms. Rogers stated there are staircases in the Pavilion now that were shipped in from Wisconsin.

3
4 **Fire Department**

5
6 **Community Development**

7
8 **Finance Department**

9
10 **City Attorney**

11
12 Attorney Williams noted that the Supreme Court has ruled that the prayer that the City Council
13 opens its meetings with (including sectarian prayers) is not in violation of the Constitution.

14
15 **Tab 15) City Council**

16
17 **Councilmember Hope**

18
19 Councilmember Hope said he had enjoyed participating in the recent Seaplane Fly-In event,
20 riding in a seaplane and dropping the watermelon. He said from the air the beauty of the area and
21 number of lakes can be appreciated.

22
23 **Councilmember Speaks**

24
25 Councilmember Speaks stated he had recently attended the advanced classes of the Florida
26 Elected Officials training last weekend. He said it was very good information and he
27 recommended that others attend if they have not done so.

28
29 Councilmember Speaks noted his granddaughter was born in Maryland this morning at 12:06
30 a.m. and her name is Savannah K. Speaks.

31
32 **Councilmember Smith**

33
34 Councilmember Smith commended the staff (Lauren Farrell, Bill Neron, Joey Graham and John
35 Russo and all staff involved) on the Seaplane Fly In. He said Lou Buigas did a great job with
36 people, plane, and boat moving. He said the pontoon picnic the day of the Fly In was well
37 orchestrated and the Air Boss did a great job.

38
39 Councilmember Smith recognized the following employees anniversaries: May 8 – Richard Keith
40 (8 years); May 9 – Jeremy Miller (7 years); May 6 – Alan Gagne (18 years); May 6 – Joan Giesy
41 (20 years). He said recognizing anniversary dates shows a testament to the type of environment
42 in the City of Tavares. He acknowledged that one staff member [Burney Vaughn] will be resigning
43 at the end of May after 40 years.

44
45 In addition, Councilmember Smith said on this date in 1914 the U.S. Congress established
46 Mothers Day. He wished all mothers a Happy Mother's Day.

47

1 **Vice Mayor Pfister**

2
3 Vice Mayor Pfister thanked the audience for its input. She said listening to the audience is
4 important and hearing audience feedback assists the City Council in doing a better job.

5
6 **Adjournment**

7
8 There was no further business and the meeting was adjourned at 5:09 p.m.

9
10 Respectfully submitted,

11
12
13
14
15 Nancy A. Barnett, C.M.C.
16 City Clerk