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**CITY OF TAVARES
MINUTES OF REGULAR COUNCIL MEETING
JUNE 4, 2008
TAVARES CIVIC CENTER**

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

COUNCILMEMBERS PRESENT

ABSENT

Nancy Clutts, Mayor
Robert Wolfe, Vice Mayor
Sandy Gamble, Councilmember
Lori Pfister, Councilmember
Norb Thomas, Councilmember

STAFF PRESENT

John Drury, City Administrator
Robert Williams, City Attorney
Susie Novack, Deputy City Clerk
Lori Houghton, Director of Finance
Jacques Skutt, Director of Community Development
Bill Neron, Director of Economic Development/Grants
Chief Richard Keith, Fire Department
Chief Stoney Lubins, Police Department
Brad Hayes, Director of Utilities
Heath Frederick, Director of Public Works
Tamera Rogers, Director of Community Services

Bernice Odums, St. Johns Free Methodist Church, gave the invocation and those present recited the Pledge of Allegiance.

3) APPROVAL OF AGENDA

Mr. Drury said Staff would like to add two items [10A and 10B] to the agenda;

- Agenda Item 10A – Approval to Award a Contract to Raindrop Products LLC for Fabrication of Water Features and Related Equipment for Children’s Splash Play Area at Wooton Park

- Agenda Item 10B – Approval of Change Order to Contract with Florida Green for Additional Length of 8’ Directional Bore to Avoid Existing Underground Utilities

MOTION

Norb Thomas moved to approve the agenda as modified by the City Administrator, seconded by Robert Wolfe. The motion carried unanimously, 5-0.

4) APPROVAL OF MINUTES

MOTION

Robert Wolfe moved for approval of the May 21, 2008 Regular City Council Meeting as submitted, seconded by Norb Thomas. The motion carried unanimously 5-0.

5) PROCLAMATIONS/PRESENTATIONS

6) SWEARING IN BY CITY ATTORNEY AND DISCLOSURE OF EX-PARTE CONTACTS

Attorney Williams stated Staff is requesting to table ordinances 2008-15 and 2008-16. If Council does not wish to grant that request then a swearing in can take place at that time. There are no other quasi judicial matters on the agenda.

7) READING OF ALL ORDINANCES/RESOLUTIONS INTO THE RECORD

Ms. Novack read the following ordinances by title only:

ORDINANCE 2008-15

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF TAVARES BY ANNEXING APPROXIMATELY 6.82 ACRES LOCATED ON THE WEST SIDE OF DAVID WALKER DRIVE, SOUTH OF DORA AVENUE; REZONING THE PROPERTY FROM LAKE COUNTY R-6 (URBAN RESIDENTIAL) TO CITY OF TAVARES PD (PLANNED DEVELOPMENT); SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2008-16

1
2 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA,**
3 **AMENDING THE TAVARES COMPREHENSIVE PLAN FUTURE**
4 **LAND USE MAP 2010, PROVIDING FOR A CHANGE OF FUTURE**
5 **LAND USE DESIGNATION ON APPROXIMATELY 7 ACRES OF**
6 **PROPERTY FROM COUNTY URBAN TO CITY MODERATE**
7 **DENSITY FOR PROPERTY GENERALLY LOCATED ON THE WEST**
8 **SIDE OF DAVID WALKER DRIVE, SOUTH OF DORA AVENUE;**
9 **PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING**
10 **FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE**
11 **DATE.**

12
13 **ORDINANCE 2008-18**

14
15 **AN ORDINANCE AMENDING THE CITY OF TAVARES CHARTER**
16 **PERTAINING TO TERMS AND ELECTIONS OF**
17 **COUNCILMEMBERS; CHANGING THE TERM OF OFFICE FOR**
18 **COUNCILMEMBERS FROM TWO (2) YEARS TO FOUR (4) YEARS;**
19 **PROVIDING FOR MUNICIPAL ELECTIONS IN EVEN NUMBERED**
20 **YEARS; PROVIDING FOR TRANSITION; PROVIDING FOR A**
21 **REFERENDUM; PROVIDING FOR AN EFFECTIVE DATE**

22
23 **ORDINANCE 2008-12**

24
25 **AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA**
26 **AMENDING THE FOLLOWING SECTIONS OF THE CITY LAND**
27 **DEVELOPMENT REGULATIONS; SECTION 3-2, DEFINITIONS;**
28 **SECTION 8-11(D)(1), ACCESSORY USES AND STRUCTURES IN**
29 **RESIDENTIAL DISTRICTS; SECTION 8-12(A)(6), FENCES IN**
30 **RESIDENTIAL DISTRICTS; SECTION 8-12(C), TEMPORARY**
31 **STRUCTURES/USES; TABLE 8-2, NOTE 25, PERMITTED AND**
32 **SPECIAL USES; SECTION 11-3(B), LANDSCAPING**
33 **REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS; SECTION**
34 **11-4(D), SITE LANDSCAPING REQUIREMENTS; ADDING SECTION**
35 **8-12 (G), SUPPLEMENTAL REGULATIONS-PROJECTIONS AND**
36 **ENCROACHMENTS INTO REQUIRED YARD SETBACKS; SUBJECT**
37 **TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED**
38 **BY THE CITY OF TAVARES COUNCIL; PROVIDING AN**
39 **EFFECTIVE DATE.**
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ORDINANCE 2008-13

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA PROVIDING FOR A COMMERCIAL ECONOMIC DEVELOPMENT INCENTIVE PROGRAM FOR THE COMMUNITY REDEVELOPMENT AREA; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2008-14

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA AMENDING THE FOLLOWING SECTIONS OF THE CITY LAND DEVELOPMENT REGULATIONS; SECTION 3-2, DEFINITIONS; CHAPTER 8, TABLE 8-2, PERMITTED AND SPECIAL USES; SUBJECT TO THE RULES, REGULATIONS AND OBLIGATIONS ORDAINED BY THE CITY OF TAVARES COUNCIL; PROVIDING AN EFFECTIVE DATE.

ORDINANCE 2008-17

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS BY ADDING SECTION 12, WATER CONSERVATION TO CHAPTER 17; AN AMENDMENT THAT ADOPTS THE RULES OF THE ST. JOHN'S RIVER WATER MANAGEMENT DISTRICT; PROVIDING PROCEDURES FOR REGULATING LANDSCAPE IRRIGATION; PROVIDING DEFINITIONS; PROVIDING FOR AUTHORITY REGULATION AND ENFORCEMENT AND PENALTIES; PROVIDING FOR PROCEDURES DURING WATER SHORTAGE EMERGENCIES; PROVIDING FOR CODIFICATION INTO THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE

ORDINANCE 2008-19

AN ORDINANCE OF THE CITY OF TAVARES, FLORIDA, ADOPTING DIVISION 11 OF CHAPTER 17 OF THE LAND

1 **DEVELOPMENT REGULATIONS ESTABLISHING AN**
2 **ALTERNATIVE WATER SUPPLY PROGRAM; ESTABLISHING**
3 **PROCEDURES AND FEES FOR ALTERNATIVE WATER SUPPLY**
4 **SERVICES; PROVIDING FOR AUTHORITY AND ENFORCEMENT;**
5 **PROVIDING DEFINITIONS; PROVIDING FOR PUBLICATION**
6 **ACCORDING TO LAW; PROVIDING FOR REPEAL OF**
7 **CONFLICTING ORDINANCES; AND PROVIDING FOR AN**
8 **EFFECTIVE DATE**

9
10 **8) CONSENT AGENDA**

11
12 Mayor Clutts asked if Council wished to pull any item on the Consent Agenda and if any
13 audience member had objections to items on the Consent Agenda.

14
15 Mayor Clutts noted the Planning and Zoning minutes were not included in agenda item 8A
16 [Request to Table Ordinances 2008-15 and 2008-16 – Shanti Niketan Apartments –
17 Ordinance 2008-15 Annexation and Rezoning; Ordinance 2008-16 Small Scale Future Land
18 Sue Amendment]. She asked that the minutes be included in the future.

19
20 Councilmember Thomas asked for clarification of the dates of the Bassmasters’ Open Series
21 Event at Wooton Park. Mr. Drury said the dates are January 29-31, 2009.

22
23 **MOTION**

24
25 **Robert Wolfe moved to accept the Consent Agenda [Request to Table Ordinances 2008-**
26 **15 and 2008-16 – Shanti Niketan Apartments – Ordinance 2008-15 Annexation and**
27 **Rezoning, Ordinance 2008-16 Small Scale Future Land Use Amendment; Approval for**
28 **City to Host Bassmasters’ Open Series Event at Wooton Park on January 29-31, 2009;**
29 **Approval for Wave Runner/Jet Ski Watercraft Racing Event at Wooton Park on**
30 **January 29-31, 2008]. The motion was seconded by Lori Pfister. The motion carried**
31 **unanimously, 5-0.**

32
33 **9) ORDINANCES**

34
35 **A) Ordinance 2008-18 – Amendment to Code of Ordinances to Change to Four Year**
36 **Terms of Office**

37
38 Mr. Drury provided the following report:
39

1 Council has recently requested staff to make recommendations on cost savings in the
2 city budget. The current city charter mandates two year term limits for
3 councilmembers which requires that the city conduct an election every year.
4

5 In 2000, Council approved a charter amendment which passed, and changed the city
6 election from March to November. This allowed the city to be on the county ballot
7 during the even years.
8

9 In 2006, Council approved a charter amendment for the November 2006 ballot which
10 asked the voters whether they would like to extend the terms of office from two
11 years to four years. The amendment did not pass.
12

13 **Financial Considerations:**
14

15 In those years (the even years) when there is either a governor's election or a
16 presidential election, the city can be on the same ballot with the County. The City
17 provides voting space in the City Hall council chambers, places an advertisement of
18 the upcoming election in the newspaper, and qualifies its own candidates through the
19 office of the City Clerk. These are all requirements mandated by state law.
20

21 The County places the city's candidates on the ballot, pays for all balloting costs,
22 poll worker salaries, and advertises the ballot. All of this is done for all the cities and
23 the county candidates.
24

25 In those years when there is no governor or presidential election (the "off years") the
26 city must have a "stand alone" election. The City then pays for the ballot costs, poll
27 workers, and other costs billed by the Supervisor of Elections to conduct the election.
28

29 The following is a comparison of the election costs for the past four years:
30

31	2004	\$108.00
32	2005	\$7,196.37
33	2006	\$108.00
34	2007	\$10,177.82

35

36 In addition, although the Supervisor of Elections changed to an electronic ballot as
37 required by law in 2004, the law has now changed again, and there is a new
38 requirement for a paper ballot trail which will likely increase costs as the federal law
39 requires that there also be an electronic ballot for ADA requirements. (It should be
40 noted that the Lake County Supervisor of Elections has taken the position of not

1 charging the cities when there is a combined ballot which is not the case in all
2 counties.)

3
4 **Term Considerations:**

5
6 The ordinance addresses the transitioning of the terms as follows:

7
8 If the charter amendment passes, the three candidates elected at the November 2008
9 election would hold office for four years until 2012.

10
11 The terms of the two current councilmembers whose terms expire in November
12 2009, would be extended, until November 2010, when they would stand for re-
13 election. Thereafter those two council seats would be elected every four years.

14
15 Mr. Drury said Staff recommends approval of Ordinance 2008-18. He said four year terms
16 will reduce the cost of holding elections each year.

17
18 Mayor Clutts asked for comment from Council.

19
20 Councilmember Gamble stated his support and suggested that the Mayor and Vice Mayor
21 positions be increased to two year positions.

22
23 Mayor Clutts asked for comment from the audience.

24
25 Mayor Clutts said consistency in leadership results in cities with a higher level of standing
26 and credibility.

27
28 **MOTION**

29
30 **Lori Pfister moved to approve Ordinance 2008-18, seconded by Norb Thomas. The**
31 **motion carried unanimously, 5-0.**

32
33 Discussion followed regarding a change in the length of the Mayor and Vice Mayor positions.
34 Attorney Williams noted a charter amendment would be required as the current charter
35 requires annual elections. Mr. Drury said staff will bring back suggested language for a
36 charter amendment.

37
38 **B) Ordinance 2008-12 – Minor Text Amendments to the Land Development Regulations**
39 **– Second Reading**

1 Mr. Skutt provided the following report:
2

3 On August 15th, staff submitted a report to Council that suggested a number of minor
4 changes to the Land Development Regulations. These generally were intended to aid
5 and enhance staff's ability to provide consistent public service. Several amending
6 ordinances have since been passed and this proposed ordinance remedies the
7 remaining outstanding issues.
8

9 Section 3-2 Definitions

10 Accessory Use or Accessory Structures-Under the definition section; accessory
11 structures are limited in size to less than 200 square feet. Chapter 8 of the LDR
12 allows accessory structures to be greater in size provided they meet certain height,
13 setback and exterior façade design. These two sections conflict with each other. The
14 two hundred square foot limitation in the definition has been removed.
15

16 Subdivision- Parcels of record as of the effective date of these regulations may be
17 subdivided one time, without platting, into three (3) parcels. This should be two (2)
18 parcels to coincide with our lot split regulations. The definition has been amended to
19 be consistent with our codes.
20

21 Yard, Side: The regulation presently allows the projection of eaves into side yards
22 only. A new section has been inserted into the code "Encroachments and Projections
23 into Required Yard Setbacks". This new section clearly lists all projections,
24 including eaves, which are traditionally allowed to encroach into required yards. The
25 reference to eave projections in this definition was deleted.
26

27 Section 8-11 (D) Accessory Uses and Structures
28

29 This section prohibits the construction of any accessory structure in an easement.
30 The City Utility Department has requested that this section be expanded to also
31 include any impervious surface application such as concrete or asphalt. In the case of
32 any emergency, it would take city repair crews more time to break through this type
33 of surface. Repair costs and the chance of damaging adjacent lands are also higher.
34 The section was amended to restrict the placement of concrete or asphalt in
35 easements.
36

37 This section also specifies that all swimming pools, decking, screened enclosures and
38 associated pool equipment must be located in the rear yard. This department has had
39 several property owners who wanted to place their pool pump and filter in the side
40 yard. The fact that the regulations allow air conditioning units in side yards seems

1 inconsistent with this restriction. Existing trees and access to electrical panels can
2 sometimes dictate the best location for the equipment. The requirement that pool
3 equipment be located in the rear yard was deleted.
4

5 Section 8-12 (6) (b) Fences in Residential Districts

6 This section makes reference to fences in front yards that are “required” to be 4 feet
7 in height. There is no where in the code that requires fences in the front yard to be 4
8 feet in height. The section was amended to refer to fences forward of the front
9 façade.
10

11 Section 8 Table 8-2 Permitted Uses-RMF-2-Note 25

12 This district allows single family, duplex and town homes. Town homes are defined
13 as a building with not less than 4 or more than 8 units. A 3 unit town home would
14 not be allowed in an RMF-2 district. Small parcels of this zoning are typical of infill
15 development in this city. A three unit town home building would be an appropriate
16 use for this district. Note 25 is amended to include a 3 unit town home.
17

18 Chapter 11-Landscaping and Buffering Regulations

19
20 Section 11-3(B)(2)(a)-Single Family Lots: This section of code requires one canopy
21 tree be planted for every 2,000 square feet of gross lot area, or portion thereof. As an
22 example, a 6,000 square foot lot would require 3 trees and a 6,001 square foot lot
23 would require 4 trees. Builders are having great difficulty in finding enough space on
24 their lots to provide sufficient growing room for the required trees without
25 overcrowding.

26 The section was amended to require one canopy tree be planted for every 2,000
27 square feet of gross lot area, or major portion thereof.
28

29 Section 11-4 (C) (4) (c): This section governs landscaping of commercial parking
30 lots and gives the required size and location of landscaped islands within the lot. The
31 minimum size of landscaped island is 200 square feet. The code also requires that
32 one canopy tree be planted in each island. A canopy tree does not have sufficient
33 open ground in 200 square feet to grow to maturity. The section was amended to
34 require an understory sized tree (e.g. crape myrtle) rather than a canopy tree.
35

36 Section 11-4(D) (1) (b): This section states that landscaping used to comply with
37 perimeter buffering requirements can not be used to comply with the site landscaping
38 requirements. Historically, staff has interpreted this to mean that the canopy trees
39 that are required every 40 feet in a perimeter buffer can not be used to meet the
40 minimum tree requirements. Minimum tree requirements are based on the amount of

1 impervious surface proposed. The open green space in most commercial
2 developments is normally concentrated on the property's perimeter. Being unable to
3 count the perimeter trees has led developers to plant trees too close together on any
4 available open space to try to meet the required numbers. This section was deleted.

5
6 Mr. Skutts said Staff recommends approval of Ordinance 2008-12.

7
8 Mayor Clutts asked for comment from the Council.

9
10 Mayor Clutts asked for comment from the audience.

11
12 **MOTION**

13
14 **Lori Pfister moved to approve Ordinance 2008-12, seconded by Robert Wolfe. The**
15 **motion carried unanimously 5-0.**

16
17 **C) Ordinance 2008-13 – CRA Commercial Impact Fee Credit Program – Second**
18 **Reading**

19
20 Mr. Neron provided the following report:

21
22 Based on a request from the CRAAC, staff has been researching possible incentives
23 to encourage new development and redevelopment in the Community
24 Redevelopment Area.

25
26 As part of the City's plans for the revitalization of our downtown, highlighted by
27 exciting special events in Wooton Park and the preparation of a new master plan for
28 our CRA District, staff has been researching methods of providing incentives to
29 investors to develop and redevelop commercial properties within the CRA District.

30
31 The very types of businesses that are associated with and necessary for a vibrant
32 downtown also are required to pay high impact fees. Impact fees for water and sewer
33 are based on anticipated water usage and are equated to ERUs (Equivalent
34 Residential Units). An ERU is equivalent to 325 gallons per day for water and 250
35 gallons per day for sewer. One ERU for water and sewer combined is \$3,980. The
36 factors used for calculating ERUs for various uses are spelled out in Section 17-41
37 of our Land Development Regulations. Impact fees for restaurants and hotels,
38 important for a vital downtown area, are substantial due to their high water usage.
39 Fire and Police Impact fees, based on square footage, are also applicable.
40

1 Following is an example of how impact fees would be calculated for a 10,000 square
2 foot restaurant with a 150 seat capacity, opened 16 hours/day or less:

3
4 Water & Sewer Impact=150 x .108 x \$3,980=\$64,476

5 Fire Impact=10 x \$1,481.95=\$14,819.50

6 Police Impact=10 x \$792.43=\$7,924.30

7 Total= \$87, 219.80

8 Note: This does not include County Transportation Impact Fees of \$87,310.

9
10 This is the amount payable assuming new construction on vacant land.

11
12 If the restaurant were to be located in an existing building that was renovated for that
13 purpose, credits would be applied based on the previous use. If the previous use was
14 retail, the credit would be \$17,601.70. If the previous use was office, the credit
15 would be \$18,063.70. In this instance, the County Transportation impact fees would
16 be approximately \$28,160 for commercial and \$44,520 for office.

17
18 With the downturn in the overall economy and the tight credit markets currently
19 being experienced, it is difficult for investors to finance commercial development
20 and redevelopment projects. Impact fees are particularly burdensome since there is
21 no material tangible value to the fee from a bank financing standpoint. In order to
22 encourage commercial development and redevelopment in the downtown CRA area,
23 staff is proposing a pilot program to provide City impact fee exemptions within the
24 CRA area.

25
26 The incentive program proposed would be in the form of an impact fee reduction
27 equal to 100 percent of the cost spent on the rehabilitation, renovation or new
28 construction associated with the use incurring the payment of impact fees. These
29 costs must correspond to a Building Permit issued for the work and the costs will be
30 validated in the same manner as used for building permits. Credits shall not exceed
31 the actual amount of impact fee owed and shall be applied proportionally to water,
32 sewer, fire and police impacts being assessed. The incentive program will only apply
33 to City impact fees for properties within the established CRA District and only to
34 commercial development (excluding residential and governmental uses). It is
35 proposed that this program be established for a term of 3 years from the date of
36 adoption.

37
38 This proposal has also been reviewed by the City Attorney and approved from a
39 legal standpoint.

1 Councilmember Gamble asked when the program would take effect. Attorney Williams said
2 upon passage of the Ordinance. Mr. Gamble inquired about the status of buildings that are
3 currently under renovation. Mr. Drury said that if you have paid your impact fee as a part of
4 your building permit then you would not be eligible.

5
6 Mayor Clutts thanked and commended Staff and Attorney Williams for looking at alternative
7 ways to make a direct infusion into our economy, investment, and redevelopment of the
8 downtown.

9
10 Mayor Clutts asked for comment from the audience. Freddy Belton, 511 W. Main Street,
11 Tavares, stated his support for the passage of Ordinance 2008-13. He discussed the status and
12 future plans of his properties throughout the City and noted some of the new businesses that
13 are locating in the City are contingent upon the passage of the ordinance.

14
15 **MOTION**

16
17 **Sandy Gamble moved to approve Ordinance 2008-13, seconded by Norb Thomas. The**
18 **motion carried unanimously 5-0.**

19
20 **D) Ordinance 2008-14 – Amendment to Land Development Regulations – Special Uses**
21 **in Mixed Use and Commercial Zones – First Reading**

22
23 Mayor Clutts noted that this ordinance would be discussed with second reading at the next
24 City Council meeting.

25
26 **E) Ordinance 2008-17 – Water Conservation and Irrigation – First Reading**

27
28 Mayor Clutts noted that this ordinance would be discussed with second reading at the next
29 City Council meeting.

30
31 **F) Ordinance 2008-19 – Reclaimed Water – First Reading**

32
33 Mayor Clutts noted that this ordinance would be discussed with second reading at the next
34 City Council meeting.

35
36 **10) GENERAL GOVERNMENT**

37
38 **A) Approval to Award a Contract to Raindrop Products LLC for Fabrication of Water**
39 **Features and Related Equipment for Children’s Splash Play Area at Wooton Park**

1 Mr. Drury noted that Council has been provided a summary just prior to the Council meeting
2 for the following two agenda items.

3
4 Mr. Neron provided the following report:

5
6 During the months of March through May, 2008, a primary focus of the BESH
7 Design Team has been on the Splash Park and related improvements to the
8 “Community” area of Wooton Park.

9
10 For the Splash Play Area, the Design Team initially contacted 9 firms that had
11 experience in the construction of Splash Parks and also finding those firms that had
12 experience with custom designed and fabricated water play features. The idea has
13 been to provide for a splash park which is attractive to both children and adults alike.
14 It was also decided that we would pursue a design which utilized a seaplane as its
15 centerpiece, so as to thematically relate the new Splash Park to the proposed
16 Seaplane Basin to be constructed on the West end of the park. Due to the unique
17 design needs and specialized equipment for this facility, the formal bid process was
18 waived and quotes were solicited as described below.

19
20 Of the initial 9 firms contacted, 7 of the firms agreed to submit preliminary design
21 proposals. Of the 7 firms, 3 submitted preliminary proposal and were then requested
22 to submit final design proposals. The Design Team and selected City staff reviewed
23 the three proposals and narrowed them to 2 proposals which were submitted to the
24 City Council for a selection.

25
26 At its meeting held May 21, 2008 the City Council selected the Seaplane Design
27 concept submitted by Raindrop Products LLC.

28
29 The Design Team and staff have subsequently negotiated the attached Contract with
30 Raindrop Products LLC for the fabrication of the water related features and related
31 equipment.

32
33 To keep the project moving forward, the next step in the process will be to award a
34 contract per the attached to Raindrop Products LLC for the fabrication of the water
35 features and related equipment.

36
37 During the time frame the water features are being fabricated, the City will seek bids
38 from qualified contractors to construct the deck and related items and install the
39 water features prepared by Raindrop Products LLC.
40

1 Mayor Clutts asked for comment from Council. Councilmember Pfister asked if the contract
2 includes the lighting that she had previously requested. Mr. Neron confirmed. Mr. Neron
3 said there are funds allocated in the budget for this project and which are part of the \$7.3
4 million dollar bond fund. He said there are also grant monies which include a \$135,000
5 FRDAP grant awarded to the City.

6
7 Mayor Clutts asked for comment from the audience.
8

9 **MOTION**

10
11 **Lori Pfister moved to approve agenda item 10A to award the contract to Raindrop
12 Products LLC, seconded by Norb Thomas. The motion carried unanimously, 5-0.**

13
14 Mr. Drury commended Rob Ern, BESH, on his extraordinary work, personal attention,
15 dedication, persistence, and perseverance to this project.
16

17 **B) Approval of Change Order to Contract with Florida Green for Additional Length of
18 8” Direction Bore to Avoid Existing Underground Utilities**

19
20 Mr. Frederick provided the following report:
21

22 The City’s consultant, BESH, designed the installation of irrigation lines within the
23 US Highway 441 right-of-way on plan sheets provided by the City of Tavares and
24 obtained from the FDOT. The BESH plans illustrated the installation of irrigation
25 lines so as to avoid existing underground and above grade utilities, based upon the
26 information shown on the FDOT plans. Upon executing the original 8” directional
27 bore as per the plans, the Contractor hit and broke an existing Comcast fiber optic
28 line which has been incorrectly located by the Utility Locating Company. The
29 Utility Locating Company has claimed responsibility for the break and is working
30 with the City’s Contractor and Comcast to rectify this issue. However, in the course
31 of further investigating the planned installation of the directional bore, it has become
32 apparent that the bore cannot take place as per the original plans due to the presence
33 of additional underground utilities not properly shown on the original FDOT plans.
34 This necessitates the lengthening of the proposed 8” directional bore by 280 linear
35 feet, so as to avoid all existing utilities.
36

37 It is important to note that had these existing underground utilities been correctly
38 shown on the FDOT plans, the 8” bore would have been designed with this 280 LF
39 of additional length on the original plans.
40

1 Mr. Frederick said Staff recommends the approval of the change order and noted the City will
2 take this back to the FDOT for a refund.

3
4 Mr. Ern said the contractor that originally built the road submitted as-builts that did not match
5 in this particular area and there is not sufficient right-of-way to get this additional utility into
6 the ground. Mayor Clutts inquired about funding reimbursement from the FDOT. Mr. Ern
7 said the FDOT is not responsible for the accuracy of the plans, but that the project was largely
8 funded by the FDOT. The City will request to be reimbursed the additional funds for the
9 project. Mr. Ern noted a change order is attached to the agenda item and the unit price for the
10 extra footage is per the original bid.

11
12 Mayor Clutts asked for comment from the audience.

13
14 **MOTION**

15
16 **Sandy Gamble moved to approve agenda item 10B [Approval of Change Order to**
17 **Contract with Florida Green for Additional Length of 8” Bore to Avoid Existing**
18 **Underground Utilities], seconded by Robert Wolfe. The motion carried unanimously, 5-**
19 **0.**

20
21 **11) OLD BUSINESS**

22
23 None.

24
25 **12) NEW BUSINESS**

26
27 None.

28
29 **13) AUDIENCE TO BE HEARD**

30
31 Mayor Clutts invited audience members to come forward if they wish to speak to Council on
32 any item.

33
34 Mr. Elrod thanked Council for approving Ordinance 2008-13.

35
36 **14) REPORTS**

37
38 **City Attorney**

39
40 No report.

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Councilmember Pfister

Councilmember Pfister thanked Mr. Neron and Staff for another creative and successful event. [Planes, Trains, & Barbeque]

Councilmember Thomas

Councilmember Thomas thanked Staff and said everyone had a wonderful time at the Planes, Trains & Barbeque event.

Councilmember Gamble

Councilmember Gamble thanked Staff and said he enjoyed the Friday night barbeque judging contest.

Vice Mayor Wolfe

Vice Mayor Wolfe thanked Staff and said the event was great. He said that he received compliments from attendees from all over the Southeast.

City Administrator

Mr. Drury noted that the Golden Triangle Summit meeting between Tavares, Eustis and Mt. Dora has been scheduled for June 24th at 6:30 p.m. in City Council Chambers. He said this will enable the cities to discuss common goals.

Mr. Drury asked if it is Council’s wish to cancel the July 2, 2008 Regular City Council meeting due to the July 4th Holiday.

MOTION

Lori Pfister moved to skip the July 2, 2008 Regular City Council Meeting, seconded by Sandy Gamble. The motion carried unanimously, 5-0.

Economic Development Director

Mr. Neron commended staff for their teamwork during the Planes, Trains & Barbeque event, and thanked Cheryl Fishel, Event Planner, for putting on a first class event.

1 **Mayor Clutts**

2
3 Mayor Clutts noted the Lake County Water Alliance meeting has been moved to the Lake
4 County Agricultural Center on June 11, 2008 at 6:00 p.m. She said it has been requested that
5 all Councilmembers participate in the meeting.

6
7 T.J. Fish said Our Community Our Future has been meeting quarterly and has identified four
8 issues; transportation, education, water, and economic development. He said additional
9 stakeholders will be participating in the meeting along with the elected officials and include
10 hospitals, community colleges, Leadership Lake County, et al. Mayor Clutts invited Tavares
11 residents and business members to attend.

12
13 **Adjournment**

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15 There was no further business and the meeting was adjourned at 4:45 p.m.

16
17 Respectfully submitted,

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21 _____
22 M. Sue Novack-Wilson, C.M.C.
23 Deputy City Clerk