

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held September 6, 2018 at 7:00 p.m. on the steps of City Hall, after having been properly advertised, with the following members present: Mayor Tim Pospichal, Commissioners: Dorothea Taylor Bogert, Keith Cowie, Richard Hamann, and Bill Sterling. Also present were: City Manager Robert R. Green, Finance Director/City Clerk Shirley Lowrance, City Attorney V. Patton Kee, and Sergeant Carin Ketcham.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Police Chaplin Michael Spivey and a salute to the flag.

1. POLICE CHIEF OATH OF OFFICE – AUBURNDALE POLICE CHIEF ANDY RAY

City Manager Green said Chief Ray began his employment with the Auburndale Police Department as the Deputy Chief in September 2012. During his tenure as Deputy Chief, he worked closely with Chief Nelson in advancing accreditation standards, software updates, developing departmental policy, and last year played a lead role in the Department's Hurricane Irma response. I am very optimistic about the direction, leadership and departmental experience that Chief Ray brings to the position of Auburndale Police Chief. Andy Ray began his law enforcement career in 1984 as an Auxiliary State Trooper. While attending the Polk Community College Law Enforcement Academy in 1987, he would work part time as an Accident Coder with the Florida Department of Transportation. He started with the Polk County Sheriff's Office in June 1987 and worked up the ranks to the position of Captain. Upon his retirement with twenty-five years of service with PCSO, Ray would step into municipal police work with the Auburndale PD. He holds an Associate of Arts Degree from Polk State College, a Bachelor's Degree from Florida State University, and a Master of Public Administration Degree from Troy State University. He has also obtained numerous law enforcement and leadership certifications including the Florida State University Certified Public Manager program, Police Executive Research Forum Senior Management Institute for Police, and the University of Louisville, Southern Police Institute Administrative Officers' Course, in which Andy was selected Class Vice President and Dean's Scholar. He is an active member of the Polk County Police Chief's Association and Florida Police Chief's Association. In addition to providing outstanding law enforcement services to our city residents, the Police Department works so well with our various City departments and other agencies throughout Polk County. The Auburndale Police Department is a professional and exciting place to work. A reception for Chief Ray and his family will be held immediately following his pinning in the Police Department Community Meeting Room.

Finance Director/City Clerk Shirley Lowrance administered the Police Chief's Oath of Office to Andy Ray.

Sherrie Ray and Kasey Ray pinned Chief Ray.

Chief Andy Ray thanked the Commissioners and City Manager for the opportunity. He said he was pleased to work for the City and with the fine Auburndale Police Officers.

The Commissioners, City Staff, and citizens moved upstairs to the Commission Room for the Regular Commission Meeting.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the City Commission Minutes of the August 20, 2018 Meeting.

City Manager Green said at the last Meeting there was a clarification asked for related to the developer's intent as written in the Minutes of August 6, 2018, page 96. He read from the Minutes of August 20, 2018, where Staff listened to the recorded Minutes of August 6, 2018 and inserted the complete wording for the section. "Will Carson said he is not asking for a zoning change that is above and beyond anything that was already in place. He said in other words it is not a single family and I am like hey give me the opportunity to put some townhomes here. He said he was only going for the zoning CHANGE that was the Future zoning for the City, as approved IN THE FIRST PLACE." He said the Minutes of August 6, 2018, have been

adjusted to reflect this wording. He said the intent was as stated, for Will Carson to build a single-family subdivision.

Upon vote, all ayes.

Community Development Director Amy Palmer asked for Craig Lear to come forward for recognition of two achievements. She said he was hired as a Building Inspector Trainee in July 2017 and has now passed his Building Inspector Exam. She congratulated him on becoming the City's Building Inspector. Shortly after he was hired, the rehab work to City Hall began and he became the onsite construction manager for City Hall. She said he was a great help to her with understanding the construction terms. In appreciation for the hard work and dedication on City Hall, she presented him with a picture of City Hall.

City Manager Green said Marilyn Meyer, the Ledger reporter, has announced her retirement and this will be her last meeting. He said we appreciate her reporting on Auburndale over the past few years.

Brian Toole said he and the Pickleball players appreciate the outstanding job of cleaning the facility on Bennett Street. He said there was a wonderful post about the Pickleball growth and information on how to become an Auburndale Pickleball player.

Mayor Tim Pospichal asked for public comment. There was no public comment.

2. ORDINANCE #1570 AMENDING FUTURE LAND USE MAP – BERKLEY RANCH

City Manager Green said Ordinance No. 1570 establishes the Future Land Use Map designation on the Berkley Ranch property. The property is located south of C. Fred Jones Blvd. on Berkley Road. The property consists of 43.57 acres and the current Polk County Future Land Use is Residential Low, Residential Low 4X, Preservation X. The proposed City Future Land Use is Low Density Residential comparable to the County's Future Land Use. The Planning Commission heard the petition on June 5, 2018 and recommended 7-0 for the Land Use Map amendment.

City Attorney Kee read Ordinance No. 1570, as passed on first reading on August 20, 2018, by title only.

City Manager Green said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on first reading August 20, 2018 and are being presented for second and final reading.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1570, as read on second reading by title only. Upon vote, all ayes.

3. ORDINANCE #1571 AMENDING OFFICIAL ZONING MAP – BERKLEY RANCH

City Manager Green said Ordinance No. 1571 is for the same piece of property. The proposed City Zoning is Planned Development-Housing 2 (PD-H2). This requires a binding site plan that was presented to the Planning Commission on June 5, 2018. It was approved with a 7-0 vote, with the condition to apply best management practices regarding the crossing of the TECO Trail at the entrance. The Ordinance was approved on first reading on August 20, 2018, and is being presented for second and final reading. The Ordinance establishes the zoning as Planned Development Housing PD-H2, with the attached binding site plan.

City Attorney Kee read Ordinance No. 1571, as passed on first reading on August 6, 2018, by title only.

City Manager Green said Staff recommended approval of the Ordinance.

Mayor Tim Pospichal asked for citizen comment. There was no citizen comment.

Motion by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1571, as read on second reading by title only. Upon vote, all ayes.

4. PUBLIC HEARING – FY 2018 TAX MILLAGE LEVY & ANNUAL BUDGET

Mayor Tim Pospichal closed the Regular Commission Meeting and opened the Public Hearing.

City Manager Green said the Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage. This Public Hearing is the first of two required Public Hearings with the second scheduled for Tuesday, September 18, 2018. He explained the meeting dates in September have been moved to accommodate the Public Hearings of the Polk County Board of Commissioners and Polk County School Board. The proposed Budget for FY 2019 is balanced with Total Revenue and Total Expenditures of \$33,123,782, before the Interfund Transfers. Expenditures include general operating expenses of \$28,215,083. Capital Improvements of \$4,725,400 and Contingency Reserve of \$183,299. The Proposed FY 2019 and 2020 Budgets includes all changes made during the Regular City Commission Meetings of May 21, 2018 (Capital Outlay and Payroll), June 4, 2018 (Expenditures), and July 16, 2018 (Revenues). The revenue from Ad Valorem taxes FY 2019 and FY 2020 is estimated at \$4,860,000, with the mills reduced to the rolled-back rate of 4.2515 mills. He said he will present some changes to the adjusted contingency and also additional changes will be requested at the next Meeting related to projects scheduled in FY 2018, but not started. He said later on the Agenda we will discuss the Recycling Fees and the proposed contingency change was to increase the Recycling Fee by \$55,000 for the revenue and expense, as this charge is a pass-through to the contractor. The revenue for the Interlocal Agreement with Lake Alfred was proposed at \$25,000 to share an additional employee - Network Tech. The expenses related to the Network Tech position included wages, fice, pension, and benefits. The IT Department will now have a third employee, who will assist with some of the IT burden handled by our previous Police Chief. The Curbside Recycling Disposal Fee was proposed at \$45,000 for the City to pick up that cost of disposal to keep the monthly fee low to the resident. After the proposed Contingency changes, the Contingency total was \$183,299 for FY 2019. He went over each Fund total and said all Fund totals are balanced. The total FY 2019 budget was \$33,123,782, before Interfund Transfers. He went over the Contingency proposed changes for FY 2020, which were comparable to the proposed Contingency changes for FY 2019 – except the Curbside Recycling Fee increased to \$110,000 for revenue and expense rather than \$55,000 in the FY 2019 budget. The FY 2020 proposed Contingency was \$168,694. He went over the Funds totals for FY 2020. He said as we present at next Meeting, there will be some changes. The most significant changes will be Water and Sewer projects previously approved for the current year (2018) about \$1.8 million in projects. The final Public Hearing will advertise the final budget including those numbers, as we know what they are and want to ensure you have the numbers in the budget. He said the budget is balanced using the rolled-back rate of \$4.2515. The City of Auburndale has been very fortunate to have growth in our community that has allowed additional revenues to come into our budget, which has allowed us to lower our taxes and hold the expenditures in check. The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager and City Attorney. A second Public Hearing will be held on September 18, 2018 for final approval of the millage rate and the proposed budget. Staff recommended approval of the proposed Ordinances establishing the tax millage levy and the proposed Ordinance adopting the FY 2019 and FY 2020 Annual Budgets.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Mayor Tim Pospichal closed the Public Hearing and reopened the Commission Meeting.

5. ORDINANCE #1572 ADOPTING FY 2019 TAX MILLAGE LEVY

City Manager Green said Ordinance No. 1572 establishes the tax millage rate for ad valorem taxes and is reducing this year.

City Attorney Kee read Ordinance No. 1572 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ESTABLISHING THE TAX LEVY FOR THE YEAR 2018 ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE AS SHOWN BY THE 2018 ASSESSMENT ROLL: ESTABLISHING THE MILLAGE RATE AT 4.2515, WHICH IS EQUAL TO THE ROLLED BACK RATE OF 4.2515, AND PROVIDING FOR THE APPLICATION THEREOF; AND PROVIDING AN EFFECTIVE DATE,** by title only.

Motion by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1572, as read on first reading by title only. Upon vote, all ayes.

6. ORDINANCE #1573 ADOPTING FY 2019 & FY 2020 ANNUAL BUDGETS

City Manager Green said in addition to adopting the annual budgets, we will also be adopting the Five-Year Capital Improvement Plan for the City's various Departments.

City Attorney Kee read Ordinance No. 1573 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ADOPTING THE FISCAL YEAR 2018-2019 ANNUAL BUDGET; CONCEPTUALLY APPROVING THE FISCAL YEAR 2019-2020 ANNUAL BUDGET; ADOPTING THE FIVE (5) YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (CIP); AND PROVIDING FOR AN EFFECTIVE DATE,** by title only.

Motion by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1573, as read on first reading by title only. Upon vote, all ayes.

7. AMENDMENT TO RECYCLING SERVICES AGREEMENT – ADVANCED DISPOSAL

City Manager Green said the City Commission on August 20, 2018 gave approval to a request from Advanced Disposal to increase curbside recycling rates \$0.75 per month from \$2.53 to \$3.28 effective October 2018, and an additional \$0.75 per month in October 2019, which would take the rate from \$3.28 to \$4.03 through September 2020. The \$9.00 per year increase is significantly less than the originally proposed \$17.64 per year increase presented to the City in early 2018. The City would absorb the disposal or tipping fee, proposed at \$45,000 regardless of whether the recycling was taken to the recycling facility or if the recycling facility costs exceeded the landfill cost, then those recyclables would go to the landfill. He said he was pleased to announce and did not know if anyone was present from recycling companies, but it does look like they are picking up some additional customers to replace the China market. The major part of the issue was that you could not find a customer to buy the recyclables. We have reports that there are some additional markets being found. We hope we can keep recycling and keep it at reasonable rate. In FY 2019-2020, the rate would be at \$4.03, with the additional .75 cents. The City would pick up the tipping fee and per the agreement - the City would take ownership of the carts or totes. The vendor currently owns them and if the vendor were to give us a 90-day notice, we would automatically get the totes, if that happened prior to the two-year agreement. He said a lot of work went into the agreement. The \$9 per year is less than their initial proposal at about a \$17 per year increase. The Addendum to the Agreement still provides both parties with a 90-day termination clause. However, if Advanced were to exercise their option during the two-year term, they have agreed to give the residential totes to the City. The current buy out of the 6,000 totes from the vendor would be priced at \$98,790, with new totes priced at \$275,000 to \$300,000. City Staff will continue to use its social media platforms and electronic message boards to promote clean recycling. He said he noticed in the newspaper today that Lakeland was also spending some money to educate on items to recycle. We have got with our Parks and Recreation Department regarding holding recycling events throughout the year. He gave the example of inviting the vendors to participate in "Touch a Truck" and we would make that a recycling event also to

help educate the citizens on good recycling. Staff recommended approval of the Addendum to the Recycling Services Agreement and authorize the City Manager to execute on behalf of the City.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve the Addendum to the Recycling Services Agreement.

Commissioner Keith Cowie commended the City Staff on this. He said he knew we had been working on this for quite a while, put together the recycling event, worked with the vendors, and had citizen input. He said he appreciated the efforts to come to a good resolution.

Upon vote, all ayes.

City Manager Green recognized Public Works Director John Dickson and Sanitation Superintendent Steve Lawson for their work on this Agreement. He said the City's sanitation crew does a great job and we appreciate the work they do.

8. APPROVE PURCHASE OF ULTRA VIOLET DISINFECTION SYSTEM – ALLRED TREATMENT PLANT

City Manager Green said Agenda item was one of the presentations for the Commission Day activities.

Public Works Director John Dickson said the City's Allred Wastewater Treatment Plant on Recker Highway operates with an ultra violet disinfection system that was installed in 2003. The system has reached its design service life and is in need of replacing. The UV disinfection system treats the plant's effluent to a public access quality standard, which is then piped to the Duke Energy Osprey Power Plant for use in their cooling towers. Significant improvements have occurred in UV technology over the last fifteen years that result in less maintenance, being more operator friendly, and having significant energy savings. The City's Utility Department staff have proposed replacing the old UV contact system (where the lamps are submerged), with a new non-contact system (where there is no water contact with bulbs or ballasts). The City specifications include dismantling and removal of the existing UV system and installation of an Enaqua non-contact disinfection system. Enaqua is the only non-contact ultra violet disinfection system available, making the purchase a sole-source procurement. The City will also utilize the services of a factory trained electrical contractor provided for in the proposed scope of work. The proposal for replacement equipment and electrical installation services will be by Environmental Equipment Services, LLC. of Lakeland at a cost of \$648,650. Following the issuance of a purchase order, the estimated lead-time to installation and operation is approximately eight months. This project is a budgeted item in the proposed Fiscal Year 2018-2019 Budget and is in the Five-Year Capital Improvement Plan (CIP). The City's Consulting Engineers, Chastain-Skillman has recommended the Enaqua system, as being in the best interest of the City. The return on investment for the new system is estimated at less than six years. Staff recommendation was to award the purchase of the Enaqua Disinfection System for the Allred Wastewater Treatment Plant, in the amount of \$648,650 to Environmental Equipment Services. He introduced Cory Peavey, President of Environmental Equipment Services.

City Manager Green asked Public Works Director John Dickson for a brief discussion on what the UV disinfection was all about.

Public Works Director John Dickson said the effluent, which is the treated product is a clear product that goes for reuse and is actually treated to standards. We utilize it on ball fields. He said most wastewater treatment plants use chlorine for disinfection. We utilize ultraviolet light for disinfection at this facility for two reasons – we have a permit to discharge through natural waters in heavy rain events and Duke Energy requested it for their processes. He said chlorine would be toxic to the natural waters, so you would have to have a dechlorination system – to avoid that we went with UV. For Duke, the consideration was that

when you add chlorine you also add sodium and total dissolved solids, which limits the number of times they can run it through their cooling towers. For those reasons, we are going with ultraviolet light at this location. He said there are really high standards. We are one of few facilities that is permitted to send our reuse to an Energy Center and then use it after that at any public location like ballfields or residential homes. We actually are not targeting most residential locations. We target large users like Florida Poly, Lake Myrtle Park, Tenoroc Fish Management Area, maybe industrial parks, and maybe the new DOT Test Track.

City Manager Green said Staff recommended the purchase of the UV Disinfection System from Environmental Equipment Services in the amount of \$648,650. He said this is a budgeted item in the FY 18/19 budget and the reason for the advance request was the estimated lead-time.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Bill Sterling, to award the purchase of the Enaqua Disinfection System to Environmental Equipment Service in the amount of \$648,650.

Commissioner Richard Haman said he was on the Commission when we purchased the first UV system at the wastewater treatment plant. He said this thing is a whole lot different than the first one. He said it has been very good for the City.

Mayor Tim Pospichal said it was very interesting, with the science behind it.

Upon vote, all ayes.

9. ORDINANCE #1574 ANNEXING PROPERTY INTO CITY LIMITS – BERKLEY RANCH PHASE II

City Manager Green said the City has received a petition from Andrew and Margaret Hanzlik to annex 19.52 acres of property into the City limits. The property is located south of and adjacent to the recently annexed Berkley Ranch property, north of Pace Road and south of C. Fred Jones Blvd. The property is contiguous with existing City limits and the annexation does not create an enclave. The property is currently vacant. The proposed annexation is as a result of the owner's request for city utilities and the proposed development of the property for residential use. The property is planned to be developed as Phase II of the Berkley Ranch Planned Development subdivision. Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission. The action currently before the City Commission is only on the annexation of the property into the City. The Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on September 18, 2018. Staff recommendation was approval of the Ordinance annexing the property into the City limits.

City Attorney Kee read Ordinance No. 1574 entitled: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE (General Location: Berkley Road and Pearce Road)**, by title only.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Motion by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1574, as read on first reading by title only. Upon vote, all ayes.

10. FINAL PLAT APPROVAL – LAKE MARIANNA RESERVE SUBDIVISION PHASE II

Community Development Director Amy Palmer said the City has received a request to plat Phase II of the Lake Mariana Reserve subdivision. The property is zoned Planned Development Housing 2 (PD-H2) and Phase II consists of 39 lots. This will be the final phase for the subdivision and the total subdivision number of lots is 96 lots. Lot sizes vary between 6,250 sq. ft. and 11,200 sq. ft. The development meets all Land Development Regulations including lot size, setbacks, open space, and sidewalk requirements. The City Commission approved the Preliminary Plat on November 16, 2015 by adopting Ordinance #1492. As provided for in the Land Development Regulations or LDR's, the developer is requesting Final Plat approval before all infrastructure improvements are made. The LDR's allow a developer to post a certified check, which is available to the City, in an amount 120% of the estimated completed construction cost as determined by the engineer. Approval of the Final Plat and acceptance of the certified check allows the developer to sell lots and ensures that the City can complete the necessary improvements, if the developer does not. The developer's engineer has certified that the remaining construction activities are as follows: surveying work, utility work, landscaping, and sidewalk completion in the common areas. The developer estimates that all necessary improvements will be made by October 31, 2018. To accomplish the necessary improvements, the developer's engineer has estimated the cost at \$31,895.20. In accordance with the City's LDR's, the City has received a check in the amount of \$38,274.24, or 120% of the cost of improvements. Approval of the Final Plat would acknowledge acceptance of the list of items to be completed, timeframe, and costs. Staff recommendation was approval of the Final Plat for Phase II of the Lake Mariana Reserve Subdivision.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Motion by Commissioner Bill Sterling, seconded by Commissioner Richard Hamann, to approve the Final Plat of Phase II of the Lake Mariana Reserve Subdivision.

Commissioner Bill Sterling asked what we do with the check -- do we hold the check or cash the check?

City Manager Green said we hold the check.

Upon vote, all ayes.

11. FINAL PLAT APPROVAL – WATERCREST SUBDIVISION PHASE I & II

Community Development Director Amy Palmer said the City has received a request to plat Phase I and Phase II of the Watercrest Subdivision. The subdivision is located at the intersection of Adams Road and Mohawk Road. The property is zoned Planned Development Housing 1 (PD-H1) and consists of 233 lots. Lot sizes are a minimum of 6,000 sq. ft. The development meets all Land Development Regulations including lot size, setbacks, open space, and sidewalk requirements. The City Commission approved the Preliminary Plat on November 7, 2016, by adopting Ordinance No.1526. As provided for in the Land Development Regulations or LDR's the developer is requesting Final Plat approval before all infrastructure improvements are made. The LDR's allow a developer to post a surety bond, which is available to the City, in an amount 120% of the estimated completed construction cost, as determined by the engineer. As Lake Marianna did a certified check, this developer chose to do a surety bond instead. Approval of the Final Plat and acceptance of the surety bond allows the developer to sell lots and ensures that the City can complete the necessary improvements, if the developer does not. The developer's engineer has certified that the remaining construction activities are as follows: regrading and sodding stormwater ponds, paving, fencing, electrical installations, and landscaping. The developer estimates that all necessary improvements will be made by August 13, 2019. To accomplish the necessary improvements, the developer's engineer has estimated the cost at \$645,314.35. In accordance with the City's LDR's, the City has received a bond in the amount of \$774,413.22, or 120% of the cost of improvements. Approval of the Final Plat would

acknowledge acceptance of the list of items to be completed, timeframe, and costs. Staff recommendation was approval of the Final Plats for Phase I and Phase II of the Watercrest Subdivision.

Commissioner Bill Sterling asked the advantage of a surety bond versus a certified check.

City Manager Green said probably the dollar amount for the project. He said one project was to be complete in a month and the other one will be complete in a year. He said it was probably the answer to the question asked earlier related to interest earnings.

Commissioner Bill Sterling said it was more advantageous for this developer to do the bond due to the duration of the work.

Mayor Tim Pospichal asked for public comment. There was no public comment.

Motion by Commissioner Keith Cowie, seconded by Commissioner Bill Sterling, to approve the Final Plats for Phase I and Phase II of the Watercrest Subdivision. Upon vote, all ayes.

City Manager Green said the next Meeting was Tuesday, September 18.

Meeting adjourned at 8:02 p.m. I HEREBY CERTIFY that the foregoing Minutes are true and correct.


Shirley Lowrance, Finance Director/City Clerk