
Minutes of the Regular Meeting of the City Commission of the City of Auburndale held February 18, 2019 at 7:00 p.m. in the Commission Room 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 Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Peg Roy of the First Presbyterian Church and a salute to the flag.

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the City Commission Minutes of the February 4, 2019 Meeting. Upon vote, all ayes.

City Manager Green introduced Community Development Director Amy Palmer.

Community Development Director Amy Palmer said the Central Florida Development Council, which is the County's Economic Development agency will be holding a presentation on Wednesday regarding SunTrax and Florida Polytechnic Advance Mobility Institute at 9 a.m. at the Lake Myrtle Sports Complex. The presentation will end at 10:30 a.m. and is open to the public. There will be people from FDOT and the Florida Turnpike to give presentations on the activities for the track. The Director of the Advanced Mobility Institute from Florida Poly will be there to give a presentation; it is called the AMI Institute.

City Manager Green thanked Pastor Peg for the recognition of the "little red truck" our new fire truck. He said we do a two-year budget and several years ago, we started planning for the replacement of the truck, which came in today. Last week the truck was in the Pierce Plant in Wisconsin. He said as we put the two-year budget together, he remembers budgeting for the \$500,000 for the truck and making the announcement that it replaces a 1979 truck and someone handed him a sheet of paper suggesting he had the numbers backward – like a 1997 truck. The truck does replace a 1979 truck and we are very excited for the truck and with the apparatus.

Fire Chief Brian Bradway said thank you to the Mayor and Commission for supporting Public Safety in Auburndale. He said when he returned to Auburndale in 2015, the truck was already planned in the Capital Improvements Program. He said it was an exciting day in the Auburndale Fire Department to get the new truck. He said all the firefighters really appreciate it and it is an awesome piece of equipment, which he knows will save lives. He said a few weeks ago, he and Deputy Chief Cash were in Wisconsin for the final check off for the truck. He said the trucks are designed to the specifications of the various Fire Departments. He described some of the special equipment on the truck – a longer cab for legroom and compartments for medical supplies; in the new truck they actually ride inside the truck, not like in the 1979 truck where they rode outside the truck; cab webbing for storing hoses; LED lighting; 1,500 gallon per minute pump; and holds 750 gallons of water. We donated the 1979 truck to the Ridge Fire Academy and they gave us a credit for training there. He said the average life span of the fire trucks is about 15 years.

He said he would be glad to show the Commission around the truck after the meeting. He presented the Commission with their first every annual report from the Fire Department. He said he, the Lieutenants, and staff have compiled the information for the 2018 report and included a comparative five or six years. He said he was proud of the report, as it really paints a picture of what we are doing out there every day. The report shows our activity. The firefighters are excited for you guys to see the report and what we are doing. He said last year we ran 3,625 calls from the Auburndale Fire Station. This puts us out of all Polk County Fire Rescue Stations that do not transport- the fifth busiest. He said we are pretty active. He said in his last several years here in Auburndale, he has seen the firefighters save lives, make a difference, make people smile, and be there in their worst moments. He said hopefully this report paints a better picture of what we are doing down there and he was excited about that.

City Manager Green said we appreciate the job you do in our Fire Department. He said one of the things you will see in the report, is that there are more and more opportunity for multiple calls at the same time. He said it is an on-going trend of activity. The Chief came to me several months ago and suggested the annual report.

Commissioner Dorothea Taylor Bogert said she wanted to thank the Fire Department, as she has personally experienced how extraordinary our Fire Department is. She said thank you for all the hard work you all do.

Commissioner Keith Cowie said he would like to recognize the Parks and Recreation Department. He said he was fortunate enough to go to the Daddy Daughter Dance two nights. He said it was an outstanding event and there were lots of great comments from the other dads that were there and of course, his daughters were ecstatic. He said he knew that Becky Tyson works does a lot for the event and it was a great event.

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

1. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENTS – BELL PROPERTY

4. PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENTS – HEAD PROPERTY

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

City Manager Green said this evening we have about eight Ordinances for first reading and they will all be presented for second and final reading on March 4. He said items 1, 2, and 3 and 4, 5, and 6 are all adjacent properties and we have two advertised Public Hearings but we can host them at the same time. He said the Public Hearings was to consider the first reading of Ordinance No. 752, the City's Comprehensive Plan and Future Land Use Map and Ordinance No. 764, the City's Land Development Regulations and the Official Zoning Map. The notice of publication for the Bell property and the Head property have been properly advertised. In January, the City annexed approximately .5 acres into the City Limits owned by Elton Bell. The property is located on U.S. Hwy 92 and 2nd Street. The property is adjacent to 295 U.S. Highway 92, which is also owned by the petitioner. The proposed City Future Land

Use classification of Commercial Corridor and the Zoning classification of Commercial Highway is consistent with designations applied to the owner's adjacent parcel and properties fronting U.S. Highway 92. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. The Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the Ordinances will be presented for second and final reading on March 4, 2019. Both the Land Use and Zoning on the Bell property and both the Land Use and Zoning on the Head property come to the Commission with recommendation of approval from the Planning Commission from their meeting of February 5, 2019. He displayed the two properties on the map and said they would be given the same Zoning and Land Use and Future Land Use as the surrounding property. Staff recommended approval of the Ordinances.

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

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

2. ORDINANCE #1588 FUTURE LAND USE MAP AMENDMENT – BELL PROPERTY

City Manager Green said the Ordinance No. 1588 establishes the Future Land Use designation on the Bell property from the County's Linear Commercial Corridor to the City of Auburndale Commercial Corridor.

City Attorney Kee read Ordinance No. 1588 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 0.5 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION LINEAR COMMERCIAL CORRIDOR (LCC) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION COMMERCIAL CORRIDOR (CC); AND PROVIDING AN EFFECTIVE DATE** (General Location: 2ND St. and Hwy 92), by title only.

Motion by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1588, as read on first reading by title only. Upon vote, all ayes.

3. ORDINANCE #1589 OFFICIAL ZONING MAP AMENDMENT – BELL PROPERTY

City Manager Green said after the Future Land Use for the City is establishes, we now establish the zoning on the Bell property. The Ordinance establishes the Zoning classification as Commercial Highway.

Attorney Kee read Ordinance No. 1589 entitled **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, and AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF COMMERCIAL HIGHWAY (CH) ON A PARCEL OF LAND TOTALING +/- 0.5 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: 2ND St. and Hwy 92), by title only.

Motion by Commissioner Bill Sterling seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1589, as read on first reading by title only. Upon vote, all ayes.

5. ORDINANCE #1590 FUTURE LAND USE MAP AMENDMENT – HEAD PROPERTY

City Manager Green said the property is owned by Theodore Head and located at 405 Second Street. The owner is requesting the same Land Use and Zoning designation, as applied to Bell Property in the previous two Ordinance. Ordinance No. 1590 would establishes the Future Land Use designation as Commercial Corridor.

City Attorney Kee read Ordinance No. 1590 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 0.15 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION LINEAR COMMERCIAL CORRIDOR (LCC) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION COMMERCIAL CORRIDOR (CC); AND PROVIDING AN EFFECTIVE DATE** (General Location: 2ND St. and Hwy 92), by title only.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1590, as read on first reading by title only. Upon vote, all ayes.

6. ORDINANCE #1591 OFFICIAL ZONING MAP AMENDMENT – HEAD PROPERTY

City Manager Green said zoning would now be established on first reading of Commercial Highway on the Head Property at 405 Second Street.

Attorney Kee read Ordinance No. 1591 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF COMMERCIAL HIGHWAY (CH) ON A PARCEL OF LAND TOTALING +/- 0.15 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: 2ND St. and Hwy 92), by title only.

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1591, as read on first reading by title only. Upon vote, all ayes.

7. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – ENCLAVE AT LAKE ARIETTA

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

City Manager Green said the purpose of the Public Hearing was to consider and take public comment on the first reading of a proposed Ordinance amending Ordinance No. 764 the City's Land Development Regulations and Official Zoning Map. This property is already in the City and has a current Future Land Use of Low Density Residential and there is no change to that.

Community Development Director Amy Palmer said the City has received a zoning map amendment from Gapway Groves Corp who is the property owner and the developer Cannatelli Homes. The property is located on Berkley Road at Lake Myrtle Park Road. The current Future Land Use is Low Density Residential and the current zoning classification is Planned Development-Housing 1. The property owner and petitioner are proposing to modify the Planned Development. It is currently a vacant property in grove use

and approximately 78.77 acres. In 2008, the vacant 78.77 acres of grove property located on Berkley Road at Lake Myrtle Park Road was rezoned from Open Use Agriculture to Planned Development –Housing -1 or PD-H1 allowing for 96 single-family dwelling units. In May 2015, the property received approval for a modification to the Planned Development Binding Site Plan reducing the number of dwelling units from 96 to 69. The approved amendment allowed for short-term rentals on 39 single-family residential lots and 15 duplex lots. The owner/applicant is requesting a modification; this will be the second modification, to the Planned Development. Specifically, the changes would include:

1. An increase in single-family units from 39 to 41 and an increase in the number of duplexes from 15 to 25 for a total dwelling unit count of 91. She said this is still consistent with our LDR's. Similar as the previously approved plan, the duplexes will be located at the front of the development in Phase 2, and the 41 single-family residential units will be on the interior of the site and along Lake Arietta's shoreline to the east. She displayed the location of the property, the proposed Binding Site Plan, and location of the lots both residential and duplexes.
2. The 25 duplex lots are proposed to accommodate short-term rental use. This is a reduction from the previously approved 69 lots. In the previously approved Planned Development, all 69 lots that included the duplex and the single family were proposed as short-term rental. This modification to the Planned Development would only have the 25 duplexes be the short-term rental. She said as a reminder, the State has preempted jurisdictions from regulating short-term rentals, if there were no regulations in our laws prior to 2011. She said so, we are preempted from regulating short-term rentals.
3. A reduction from two previously approved clubhouses to one located in the duplex section of Phase 2 of the project. She said the first Planned Development had two clubhouses and she displayed the two locations. She said for the Enclave at Lake Arietta there is one proposed clubhouse near the duplexes. The clubhouse may include related services and facilities such as a pool, gym, spa, meeting rooms, gift shop, restrooms, and administrative offices. These are all uses allowed in our Land Development Regulations.
4. As recommended by the Planning Commission, the project will have two gates – one at the entrance to the subdivision and one at the entrance to Phase 1, which is the single-family residential community. For the plan included in the Ordinance, the developer has shown two gates on the binding site plan, so they are in agreement with that condition placed by the Planning Commission. One gate is at the entrance of the duplexes and the other is shown at the entrance to the single-family residential units. She said this would allow cars to turn around in the roundabout.

She said setbacks will be as follows: Front 25', side 7'5", rear 10', corner lot or second front yard 20', and the Planned Development Perimeter 25'. The minimum lot size is 13,000 sq. ft. The project includes a boat dock and a boat ramp, located on the southern side of the subdivision. The project will have a single access on Berkley Road, at the stop light for the Lake Myrtle Sports Park. As with the previous approved binding site plans, 7.48 acres fronting Berkley Road is reserved for future development. The 7.48 acres maintains a Future Land Use of Low Density Residential and a Zoning designation of Planned Development Housing-1, which is consistent with the balance of the property. Any development of this property will require an amendment to the Zoning Map and Public Hearings before the Planning Commission and City Commission. They would have to come forward with another site plan to be approved by the Planning Commission and the City Commission. The requested modification to the Planned Development-Housing 1 Zoning classification is consistent with the City's Land Development Regulations and existing development patterns in the area. The Planning Commission recommended approval of the modification to the Planned Development Housing -1 and placed the condition of the two gates, which the developer has provided. Staff recommended approval of the Ordinance amending the Planned Development Zoning and Binding Site Plan. She said project engineer Claude Cassagnol is available for questions.

Mayor Tim Pospichal asked for public comment.

Teresa Morris, 200 Melissa Trail, said she lives on Lake Arietta. She thanked everyone for the better notification procedures that she has seen over the last year and a half with the posting on Facebook of these Commission Meetings along with the agenda and better notices in the Lakeland Ledger. She said this has been a big help for her, much more transparency. She said she recognizes that the development is going to happen; it is going to happen on the vacant land the old orange groves in north Auburndale. She said she gets this and obviously, there is a growing need for transient that is the State's word, transient public housing, as evidenced by the short-term rental plan here and the proposed RV Resort on Lake Myrtle coming up soon. She said the new site plan looks much better than the old one, but she still has some questions about Phase 1. She said she knew that Phase 2 was going to be short-term rental and there was nothing anybody can do about short-term rentals as far as prohibiting them or regulating duration and frequency. The 2011 law that Amy talked about did initially say that they could not be regulated; that law changed in 2014 and she will talk about that in a minute. She said right now currently, the only thing that can prohibit a short-term rental and not this development, Phase 1, but all the other developments that are going in on north Auburndale – the one on 559 - Juliana Village, the one on Mohawk, and the one planning for Adams and 559, they all will allow short-term rentals unless there is something in their covenants that prevent it. She asked when these come to the City for site plan, do you review the covenants, is there anything in these covenants, is there going to be an HOA in the Phase 1, and in that HOA will there be covenants that either permit or prohibit short-term rental, if not then they are allowed. She said she had seen Mr. Strang here earlier. She said even if it is marketed as traditional residential neighborhood, they will be allowed, because that is what the State says. In 2014, the law changed and she has an analysis from the House of Representatives, which she will pass along to somebody. It is a summary analysis of Senate Bill 356, signed by the Governor on July 1, 2014. It states this is a summary analysis and the effect of the Bill. She read, "the Bill provides for local governments to regulate vacation rentals within limitations and partially removes the preemption to the State for the regulation of vacation rentals. It remove the total preemption to the State for the regulation of vacation rentals and permits local governments to regulate vacation rentals provided those regulations don't prohibit vacation rental or restrict the duration or the frequency." She said so, there are laws that allow you to regulate them. She said when she talks about regulations, she means occupancy. She asked why do we need occupancy limitations. In 2018, there was a Bill that died on Committee because of the shooting in Parkland and the Legislation was preoccupied with other things. They were going to allow four person per room, or if you have a two-room duplex that is 12 people or one person for 150 square feet – 2,000 square feet place would be 13 people, 3,000 square feet would be 20 people. She said those regulations need to be visited.

Mayor Tim Pospichal said her time was up.

Teresa Morris asked if she could have her husband's three minutes.

Mayor Tim Pospichal said no.

Teresa Morris said there was more and asked for a meeting with the Mayor to go over some of this.

Mayor Tim Pospichal said he would love that and to get with Amy Palmer to schedule the meeting.

Kathy Webb, 125 Melissa Trail, said thank you to the developers and to the Commission. She said she thought things were better. The developers are listening and she was happy to hear that. She said people know we have spoken out about some issues here. She said she wanted to dovetail on what the preacher said "Love thy neighbor". She said she was a spiritual person and believes in that concept, but she also lives here, she does not work here, she is retired and is not so sure that the 70,000 people that come into the Lake Myrtle Complex have that concept. She said she wanted to briefly go over the regulations that

Amy Palmer referred to. She said as her sister said, we cannot tell people or tell developers they cannot do short-term rentals. She said she understood this. The Statutes as of 2014, the Legislature passed partial relaxation of that prohibition, which diminished the preemption on short-term rentals. The 2014 law allows local governments to adopt ordinances specific to the rentals so you can address some of the noise, parking, trash, life safety issues created by the proliferation of short-term rentals in the neighborhood. They did leave in the existing language that you cannot regulate the duration or frequency. We know that, but occupancy can be regulated. She asked knowing that we are going to face some things in the City the more things pop up, has the City done anything to proactively think about what we might do to regulate? She read the headlines "Occupancy in Short-Term Rentals is Out of Control" in the Northwest Florida Daily News - Destin is targeting short-term rentals in this issue. She gave the example that an 800 square foot condo, one mile from the city limits sleeps 99 people, a 1,400 square foot bedroom house sleeps 554, and many multi-bedroom homes or many hotels in Destin each sleep dozens. She said a hotel according to that city's Land Development Code is a structure that sleeps 25 or more people. She read citing haphazard parking, thrown trash and renters who do not respect full-time Destin residents and other issues. The Council agreed on Monday to move forward with a batch of potential new regulations on June 13, 2018. She said it goes on and on and talks about the numbers of people and said it is not a rules problem – it was a management problem. She said the management of these short-term rentals is very important. She gave the example of South Florida Trial Practice - Miami Dade Imposes Regulations on Peer to Peer Short-Term Rentals on December 7, 2017. She said one of the big issues is bed taxes and she brought that up last week. They are talking about how these short-term rentals will register. The cities are not getting their bed taxes and there are lawsuits regarding that across the State and country. She said regarding impact fees, homes have lower impact fees than hotels. While we have all acknowledged that a short-term rental is kind of a mini hotel, so they are paying impact fees. Another thing in Miami Dade County the developer is paying impact fees for homes, but not hotels and hotels are higher. Also another issue is homestead exemption. If I buy a house and it is my primary residence, I get a nice homestead exemption, but if I am renting it out what does the city lose. She read Palm Beach County is going to tighten the regulation on short-term rentals – squeeze out more tax. She said Airbnb itself is getting multi-family rentals and controversy surrounds this. They are actually building them, single-family residences, for the purpose of renting them out and that is an issue she hopes this Commission will look at as we go forward. She said she would go to the meeting with her sister, if I may.

Kay Waterman 126 Arietta Shores Drive, said as mentioned on the Planning Commission and two weeks ago at the City Commission Meeting, one of our major concerns is the quality of lake and maintaining a good lake for fishing, swimming and one that everyone can enjoy. Part of this concern has to do with the short-term rentals. She said her concern was because it has happened in many other places, much to the chagrin of the people that live there, is you have a very wealthy investor maybe from another county and they come in and buy up two or three of these single family homes. They may never set foot on it, but hire a manager to manage as a short-term rental. People in other areas have found that because of the occupancy they turn into party homes. She said maybe one of the things that Teresa Morris wanted to mention was that you want to regulate occupancy so that this does not happen – so you do not have people coming in and making party homes. She said she would like to see a homeowners association formed for these single-family homes, because this is legal. They can do that with homeowner regulations; prohibit them being set out as short-term rentals. She said they could require the developer to announce to any prospective buyer that this could be a short-term rental property. She said Mr. Strang mentioned that these were going to be high-end homes a couple of weeks ago, that they might sell for \$450,000. How would it be for someone to buy that home and not realize that a foreign investor has come in and made the property next door a short-term rental? She said she has a particular interest in this, as the house next door to her on Lake Arietta on the cul-de-sac, has seen many different owners while she has lived there. Now the owner, the recent purchaser, right now he is renting it for a relatively short time – a month or two months. She said this was fine, the people have been lovely and she had no complaints. But, if he could turn it into a short-term rental, they would put a whole baseball team in there, when the RussMatt tournaments are on. She said fortunately, I live in the county and they cannot do that without going to the county and asking permission. She said she was still concerned about the lake.

Allen Webb, 125 Melissa Trail, thanked the Mayor and Commission for the time. He said he would like to share some concerns and considerations about the boat ramp. He said we are very pleased about the reduction of the short-term rentals on the lake portion, but it is going to be private homes. He said from their community alone, managing the boat ramp is somewhat difficult. Parking is an issue, if you have a boat trailer it can be difficult. When you get parking problems, you have a problem with the fire truck getting through. He said he moved here in 2008 and Lake Arietta was very clean. Mr. Holzman was at the other meeting we were at and he has a site you can look at called Lake Watch. He monitors that and does testing. He said this was very impressive. He urged everyone to take a look at that for all the lakes in Polk County, especially about Lake Arietta. He said when he moved here it was very clean and it is still somewhat clean, but not anywhere as clean as in 2008. He said he has fished a lot of lakes – Kissimmee and the Everglades. He said being good stewards, we have to keep that in mind when we consider development. One of the biggest things we just did on our property on our lake was have an engineer redesign water diverters off our ramp. The spillage does not go into the lake. We are very happy the Planning Commission would not approve the Ordinance until they had two gates. He said he thought this was very important, as their biggest problem with their ramp was unexpected visitors, like someone building a home and they have the code and they may come to fish. We are happy to have the two gates: one for Phase 1 homes and one for the short-term rentals. He said it would be a disaster if they all tried to move in there as, he did not think there was enough parking. He asked if the second gate going into Phase 1 was going to be manned. He said it could be a serious problem, as they have had to put up a chain at different times to keep people off our gates. He thanked the Commission for the time and asked for considerations of our lake, our beautiful Polk County, and all the 500 lakes we have here. He said do as much as you can to keep our lakes clean.

Mayor Tim Pospichal asked from additional public comment. There was no other comments.

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

8. ORDINANCE #1592 OFFICIAL ZONING MAP AMENDMENT – ENCLAVE AT LAKE ARIETTA

City Manager Green said the Ordinance amends and modifies the Planned Development Housing PDH-1, as presented and the Binding Site Plan.

Attorney Kee read Ordinance No. 1592 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO A PLANNED DEVELOPMENT HOUSING-1 ZONING CLASSIFICATION ON A PARCEL OF LAND TOTALING +/- 78.77 ACRES; AND PROVIDING AN EFFECTIVE DATE** (General Location: Berkley Road and Lake Myrtle Park Road), by title only.

Motion by Commissioner Bill Sterling, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1592, as read on first reading by title only.

Community Development Director Amy Palmer said the Planning Commission recommended approval of the Planned Development, as stated earlier in a 7-0 vote. Staff recommended approval of the Zoning and the Binding Site Plan. She said Claude Cassagnol, the engineer is available for any questions.

Commissioner Keith Cowie said along the lines of some of the things brought up and from reading the Planning Commission meeting there was a lot of talk about the gates and access. He asked when Phase

2 is built, what is the access to the boat ramp and the HOA question regarding how do we go about that process for the HOA?

Community Development Director Amy Palmer said some of that was discussed during the Planning Commission Meeting and she would defer to the engineer for those answers.

Claude Cassagnol, G.T.C. Engineer, representing the landowners, 98 S. Semoran Blvd., Orlando, FL, said regarding Phase 1 and Phase 2 the gates – there will be no access from the short-term rentals to the lake. There will be no access from the short-term rentals period. As far as the homeowners association, there will be one. He said he cannot speak as to what the developer may decide. He said in speaking with the developer, he said at the cost they would be, there would be no benefit from a financial standpoint. They would not make any money trying to have a short-term rental.

Commissioner Keith Cowie said he agreed 100%. He just did not know what type of restrictions.

Claude Cassagnol said he cannot speak on this matter, as he did not know. He said it was not that he was trying to hide anything.

Commissioner Bill Sterling said he had a couple of suggestions. He said when you propose developments on Berkley Road in the future he suggested that there not be any driveways into Berkley Road and that they actually come back down to the feeder road at the stop light. He suggested that in the homeowners association that they do what you can about restricting short-term rentals. He said he was concerned about Phase 1 and Phase 2 and suggested they discourage the use of St. Augustine grass or the high water tech maintenance grasses, as we have a water crisis in the State of Florida. He said St. Augustine grass is a very thirsty grass and that close to the lake that will dump a lot of nutrients into the lake.

Claude Cassagnol said they were going to look at using low impact development to try to minimize any water use. We are also looking to have a swell along the lake. He said he was not sure of how many are familiar with what the University of Central Florida has done – Dr. Marty Alista. We are speaking with him about some of the things that can be available along the lake and along the berm.

Commissioner Dorothea Taylor Bogert asked about parking on the street for both the single-family home and the short-term rental.

Claude Cassagnol said per the City Fire Code, the City does not allow any parking on the street because of fire. The driveway will be the only parking place and there is even a note in the Plan that signs will be put out “no parking”.

Mayor Tim Pospichal asked if this was going to be septic or City sewage. He said he knew septic and storm runoff creates a big issue.

Claude Cassagnol said City sewage.

Commissioner Richard Hamann asked if the homeowner association was mandatory by Statute.

Community Development Director Amy Palmer said she thought SWFWMD requires HOA's in all new subdivisions for maintenance of the storm water facilities. She said the City would require the Stormwater facilities and for maintenance of the roads and other infrastructure of the subdivision.

Commissioner Richard Hamann said this would be prepared by the developer.

Commissioner Dorothea Taylor Bogert said but it is not required for them to have anything about short-term rental in the HOA pursuant to either one of those.

Community Development Director Amy Palmer said no, our Codes do not require anything, within the HOA documents.

Commissioner Richard Hamann said in speaking with some of the representatives of the Florida League of Cities Conference, he did not know if that would hold up in a HOA anyway – short-term rentals. He said this would be determined by the court.

Upon vote, all ayes.

9. PRESENTATION OF FISCAL YEAR 2017-2018 AUDIT – MIKE BRYNJULFSON

City Manager Green said Mr. Mike Brynjulfson will present the FY 2017-2018 General Purpose Financial Statements and Auditor's Report. This Report is for the City's Fiscal Year ending September 30, 2018. Our City's Finance Director, Shirley Lowrance has prepared the Management's Discussion and Analysis or MD&A section located at the beginning of the Audit. This section allows City Staff to provide an objective and easy to read analysis of the City's financial activities. The Audit is also made available on the City's website at www.auburndalefl.com. The Auditor's Management Letter located at the end of the Audit is where the Auditor reports any findings or concerns. City Staff is pleased that the Audit identified no significant deficiencies and is in compliance with the requirements of laws, regulations and grant. He said it was always a pleasure to hear that from the auditor.

Mike Brynjulfson, President of Brynjulfson CPA's, said they are our external auditors and they are here to go over the audit results for the audit period ending September 30, 2018. He said the audited document is now over 100 pages in length and almost every page has dense financial information. He went over the handout related to the audit, which started with the five reports – four of them bound within the Financial Statements and one loose report, the Governance Letter. He said they spend about 350 hours on the City audit and about 50 to 60 hours each for the three pension plan audits. The five reports were: 1. Report on the Financial Statements; 2. Report on Internal Control and Compliance; 3. Compliance Report with Section 218.415 Florida Statutes; 4. Management Letter; and 5. Governance Letter. He said they are providing an unmodified audit or what is considered a clean opinion. They can give you reasonable assurance that the financial statements are free of any significant errors and presented in conformity with generally accepted

accounting principles. Regarding Report #2 Internal Controls, the City has the best opinion they can provide, but we are not saying you are in the best financial condition or in poor financial condition. They are saying the reports are fairly presented – a clean audit report. For Report #3, he went over page 103-104, which was a requirement of the Government Auditing Standards Board – the goal behind the report was to report any internal control deficiencies, such as policies or procedures that are not designed properly to prevent errors or are not operating properly. He said they have not material weaknesses or internal control to report in this letter. He said this is a clean internal control report and one objective of this report is compliance for the City that would have a material effect on the City. The bullet point on the Summary showed no instances of non-compliance to report. He went over Compliance Report 218.415 Florida Statute and explained that this was a requirement of the Florida Auditor General. This section requires they do an examination of your compliance with investment of public money. The City does have investments and they ensure you are in compliance with your investment policy. If you do not have an investment policy, you have to follow Florida Statute 218.415. It really narrows down your investment choices, as they want you to be safe, for the investment to be liquid, and make a reasonable rate of return. He said they City has - no noncompliance with the Statute. For Report #4, the Management Letter on page 106-107 is required by Auditor General. They could report deteriorating financial condition, financial emergency, or deficiency in internal controls that were not material items, or non-compliance with a contract or grant. The Summary showed – no findings to report and was a clean Management Letter. For Report #5, the Governance Letter is a separate report and is not required to be bound. The report is written directly to the Commission where they can report different things such as difficulties getting the audit done, inaccurate reports, accounting disagreements, material audit adjustments, or disagreements or difficulties with management. He said they had none of these items; however we need to talk about the implementation of GASB 75. He said GASB stands for Governmental Accounting Standard Board and they are the entity that makes all the accounting rules the City has to go by. They made GASB 75, which has to do with OPEB or Other Post-Employment Benefits. He said this accounts for health insurance for an employee after he retires and meets the requirements of the benefit. They are trying to match the service period with the true cost, which requires an actuary report. They develop a liability, which goes on the books. This year with GASB 75, we had to place an additional \$6.8 million on the City's books. There was already about \$6 million on the books for this liability. As of September 30, 2018, the OPEB liability is almost \$14 million. Currently the City is on a pay as you go plan, at about \$250,000 per year. The actuarial cost have been calculated at \$900,000 per year. He said the health insurance costs more each year and compounds quickly, so this is the reason for the actuarial cost. He said it was the second largest liability of the City. The GASB is trying to get all the liabilities on the books to make everyone look as bad as possible because that is conservative. They want everyone to see the liabilities. He said this will have an effect on the financial condition of the Enterprise Fund. He said the document is significantly different than the one you received last year, which was the Basic Financial Statement. This year's document is called the Comprehensive Annual Financial Report or CAFR. It is 32% bigger, 26 additional pages, and management put together additional sections – Introduction, Other Supplementary Information, and Statistical Section. When you prepare the CAFR, you can submit it to the Government Financial Officers Association. They are standard setters for best practices in government financials. The CAFR will be submitted to for review. It has a 178 page checklist, which they use to make sure City is in compliance with all their rules and regulations – this goes beyond the GASB rules to make it better and to above the minimum. He said hopefully next year, the City will have an award to talk about. During the Exit Conference with management, we thought it would be a good idea to go over the Table of Contents for the new sections. He went over these sections and said the Letter of Transmittal is from management and signed by the Finance Director and the City Manager. The Other Supplemental Section provided for the pension plan reports for combining statements. The Statistical Section are a ten-year trend for information. He said Tables 1 to 4 has financial summary information; Tables 5 to 8 has property taxes, assessed values, property tax rates, the top taxpayers; Tables 9 to 13 has debt schedule; and Tables 14 to 18 show operational and economic statistics about the City. He said this had to be put together by management, with the assistance of the various Departments. He went over charts from the Handout. He went over Governmental Funds - Level of Reserves for the City. He explained he compares the City to 16 like size cities in population and taxable property value in Florida. He also compares the City to the local peer

group – Haines City, Bartow and Lake Wales. For 2018, the level of reserves was 25% as of 9/30/2018. The City could go for 14 weeks without any additional revenue at the same level of service, if we received no money in the General Fund. He said this was how you measured the financial position of the Governmental Funds. He said you can calculate this for city to know if they are in financial trouble or not. The GFOA has a minimum of 15% or an emergency level, as their recommendation. He said the City has been at a six-year uptrend and is well above the 15%. The City has a Fund Balance Policy that says the City will have at least 17% of next year's expenses on hand at the end of any fiscal year. He said the City is well above the requirement of 17% with the 30.5%. He said a lot of people ask him what is the good number and he could not really tell you, but he could tell you how much is too little. He said he always likes to say 25%. He said every year for six years the General Fund is in better financial shape. He said the City was below the peer groups and showed the millage rates for the other cities. He said you have a much lower millage rate than the cities. He said the take away here is that the General Fund is in good financial condition. The next Chart showed how well revenues are covering expenses. The percentage of expense exceeding revenues showed -17%, so for every dollar that came into the General Fund you had to go somewhere else for 17 cents. The Interfund Transfer was 18% from the Enterprise Fund. He explained that in 2015, the City issued bonds for Lake Myrtle improvements and spent the bond proceeds. The Bond proceeds are not revenue, just like the transfer is not revenue. He said the City was above the local peers and slightly below the state peers. He said this was a positive indicator, as once you factor in the Interfund Transfer the funds look fine and you have been adding to the financial position each year. The Level of Reserve in the Enterprise Fund was 22%, which means that for every dollar of revenue you have 22 cent already set aside at the beginning of year. He said last year the City was at 25% and this is a down tick by 9 days. When we put the OPEB obligation on the books, it hit this indicator for \$1 million and that is what is causing this decline. Without the \$1 million obligation, you would be at 3.1 months, which is a slight increase over last year. The Enterprise Fund is operating profitably and at a positive cash flow. The City had the hit with \$1 million with implementation of OPEB and GASB 75. He went over the statewide peers and local peers. The stratification for the peers is from population of 15,000 and 50,000, with Auburndale at a population of 16,000 and the taxable property value is from \$1 billion to 1.5 billion and the City is right over the \$1 billion. In the Statewide peer group, the city is one of the smaller cities. He said this could explain the 72% and 22%. He said overall for the most part since 2013, it has been an uptrend. The decline in 2015 was due to transfer to the General Fund. The Profitability of the Enterprise was 32%. For every dollar of revenue, you bill the customers, you have 32 cent left over to pay principal and debt; make the Interfund Transfer; and make capital purchases. He went over the Cash Flow and explained the Enterprise Fund has millions of dollars of depreciation, which is a non-cash expense. This year quite a large number of developer infrastructure was added to the City through donations to be depreciated. The Chart showed the cash flows after the Enterprise runs operations, pays principal and interest on debt, and provides for the Interfund Transfer. In 2015, the cash flow was a -\$1 million. The positive cash flow now is \$500,000. He said this was a positive indicator. The Enterprise Fund transfer did increase about \$300,000. The Enterprise Fund generates over \$12 million per year. He said the City has always had a very robust, positive, and profitable Enterprise Fund operation. The City is well above the State peers. He said the City has some stiff competition with Bartow and their electric service. He stated both Haines City and Lake Wales have a strong water and sewer utilities. He said in summary, we have looked at four graphs, the financial position and profitability for both funds, and overall he thought it was a positive view of the City in all respects. He went over the Chart of millage rate trends based on the average. He said the City is second lowest only to Bartow. Some of the trends is Lakeland is going up, Winter Haven had a jump this year, and Fort Meade is going up. He said overall "Cash is King" so we look at Unrestricted Cash – and it has increased in the 6 years presented. He said this was pretty positive and up to \$9.6 million at year end. He said he heard someone talk about the water crisis in Polk County earlier. He said they are also the auditor for Polk Regional Water Coop and have a good understanding of what is going on at that level. He said in the accounting world this is called a Joint Venture. All the member governments are participating in everything with the Cooperative, as far as the funding of projects, covering of litigation costs, membership fees, the City has signed on to finance their Project Phase I by using their SRF funding and signing a guarantee agreement. When the Coop draws down from the funds, this will show up on your balance sheet as a liability. As of year-end, they had not drawn down any funds. He spoke about the

Footnote on Page 67 for the Water Coop. He said he would like to thank management and staff for working so hard to get this done so quickly this year. Last year the report was dated March 13, which is about 30 days quicker, we added 36% to the document, and added a new standard. Hopefully when we come back next year, the City will have the GFOA award. He said that is the pinnacle of what the audits are and the City has gone the extra step. He asked if the Commission had any questions, he was available.

Commissioner Richard Hamann asked if there was anything in the document that should be brought out.

Mike Brynjulfson said they would have brought it out and he hit on the big numbers. He said OPEB has the new \$13 million liability and there are pages and pages of statistical information. He said there was nothing he has not already communicated.

Commissioner Richard Hamann said he would like to thank Finance Director/City Clerk Shirley Lowrance, staff and Mike for working on the document and providing it even 30 days earlier. He said good job all the way around.

Commissioner Bill Sterling asked about the software and if there was anything, we could do to help Finance Director/City Clerk Shirley Lowrance and the staff make it easier for the auditor.

Mike Brynjulfson said as we talked last year, the City was going to stay with the existing software and go to the new version. They will be gone to the new version in all modules, but one and they will be converting the Payroll soon. He said he thinks it works great and you could ask Shirley. He said from an audit prospectively he loves it and recommends it to his clients. He said he tries to get them all moved to ADG. He said it works better than any other system he works with. He said he was pleased with it.

Finance Director/City Clerk Shirley Lowrance said they were very pleased with the software.

City Manager Green said he would like to thank all the Department Directors for the job they do and especially this year there was an awful lot of work that went into the additional statistics. He gave compliments to Finance Director/City Clerk Shirley Lowrance and her staff. He said if we do not have it, we do not spend it.

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

Motion by Commissioner Dorothea Taylor Bogert and Commissioner Keith Cowie to accept the Audit. Upon vote, all ayes.

Mayor Tim Pospichal recessed the Meeting at 8:31 p.m. and reconvene the Meeting at 8:36 p.m.

10. PRELIMINARY PLAT APPROVAL – 5 POINTS ESTATES – OLD LAKE ALFRED ROAD

Community Development Director Amy Palmer said the City has received a preliminary plat from property owner Will Carson for a 63-unit single-family dwelling development on 18.33 acres located on Old Lake Alfred Road, north of Stadium Road. The preliminary plat has been reviewed by all City Departments and meets all City Codes and Land Development Regulations. The property is zoned General Residential-1 or RG-1 and meets or exceed all Land Development Regulations, including minimum lot size, minimum setbacks, and minimum house size. The RG-1 zoning district requires 25' front yard setbacks, 10' side yard setbacks, and 10' rear setbacks. The minimum lot size proposed will be 7,200 square foot. Access to the subdivision will be from Old Lake Alfred Road, a County maintained road. Five-foot sidewalks will be provided on both sides of the street. All retention areas, roads, sidewalks, and open spaces will be dedicated to and maintained by the Homeowner's Association. Preliminary plat approval by the City Commission allows the developer to proceed with construction plan approval, construction of infrastructure and final plat approval. The Planning Commission recommended approval of the

Preliminary Plat with a 7-0 vote at their meeting of February 5, 2019. Staff recommended approval of the Preliminary Plat. She said the developer Will Carson is available for comments.

Mayor Tim Pospichal asked for public comment.

Wayne Chewning, 2127 Kirkland Lake Dr., asked where the access was in relation to 5 Point Intersection, as he could not see the map.

Community Development Director Amy Palmer showed where the subdivision entrance was on the map. She said the entrance was closer to single-family home, near Bentley Oaks, farther away from the intersection.

City Manager Green said the entrance was 240 feet from the intersection.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Preliminary Plat for 5 Points Estates.

Commissioner Bill Sterling asked if there would be any duplex.

Community Development Director Amy Palmer said the lot sizes would prohibit the development of any duplexes in the subdivision.

Will Carson said that was promised.

Upon vote, all ayes.

11. ORDINANCE #1593 ANNEXING PROPERTY INTO CITY LIMITS – WILSON PROPERTY, GANDY ST

City Manager Green said the final three items are annexations into the City limits. The next two are adjacent and we will consider those together in our analysis. In 2006, the City received a petition from Mr. Edward Hicks to annex .88 acres of property located on Gandy Street into the City limits. The annexation request was as a result of the petitioner needing potable water. Desiring to have additional annexations on the street, the City never acted on the petition to annex. The property has since been split into two separate parcels. The vacant neighboring property to the south or the Johnson property, has requested annexation in order to construct a house. Mr. Johnson has signed a separate annexation petition. The properties are contiguous with existing City limits. The annexation does not create an enclave. The property to the north or the Wilson Property currently contains a mobile home and has water service. Both properties currently have a Polk County Land Use designation of Residential Suburban. Establishing a City Future Land Use and Zoning classification on each property will be considered at Public Hearings before the Planning Commission and City Commission next month. The action before the City Commission is only on the annexation of the properties into the city. The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on March 4, 2019. Ordinance No. 1593 annexes the Hicks property and now occupied by the Wilsons.

Attorney Kee read Ordinance No. 1593 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: Gandy Street), by title only.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1593, as read on first reading by title only. Upon vote, all ayes.

12. ORDINANCE #1594 ANNEXING PROPERTY INTO CITY LIMITS–JOHNSON PROPERTY, GANDY ST

Attorney Kee read Ordinance No. 1594 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: Gandy Street), by title only.

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

Motion by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1594, as read on first reading by title only. Upon vote, all ayes.

13. ORDINANCE #1595 ANNEXING PROPERTY INTO CITY LIMITS – WURTZ PROPERTY, EAKER ST

City Manager Green said the City has received a petition from Betty Wurtz to annex 2.42 acres of property into the City limits. The property has frontage on U.S. Highway 92, Eaker Street, and Bridgers Avenue. The property is contiguous with existing City limits. The property currently contains several vacant buildings. Annexation will allow the property owner to redevelop the property to include self-storage, recreational vehicle storage, and a small business selling storage sheds. The annexation does not create an enclave. The existing County Land Use is Commercial Enclave. Establishing Future Land Use and Zoning classification will come before the Planning Commission and City Commission at later dates. The action before the City Commission is only on the annexation of the property into the city. He said recently we brought in the old Aamco Station, Cakes by Maggie, and this is the property that is adjacent to those properties including a bar, and skate rink. Staff recommended approval of the Ordinance annexing property into the City limits.

Attorney Kee read Ordinance No. 1595 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: US Hwy. 92, Eaker St., and Bridgers Ave.), by title only.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1595, as read on first reading by title only. Upon vote, all ayes.

City Manager Green said the Commission Meeting needs to convene into the Community Redevelopment Agency meeting.

Meeting adjourned at 8:47 p.m.

I HEREBY CERTIFY that the foregoing Minutes are true and correct.

Shirley A. Lowrance, Finance Director/City Clerk

12. ORDINANCE #1594 ANNEXING PROPERTY INTO CITY LIMITS--JOHNSON PROPERTY, GANDY ST

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

Motion by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Ordinance No. 1594, as read on first reading by title only. Upon vote, all ayes.

13. ORDINANCE #1595 ANNEXING PROPERTY INTO CITY LIMITS – WURTZ PROPERTY, EAKER ST

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1595, as read on first reading by title only. Upon vote, all ayes.

City Manager Green said the Commission Meeting needs to convene into the Community Redevelopment Agency meeting.

Meeting adjourned at 8:47 p.m.

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Shirley A. Lowrance, Finance Director/City Clerk