

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held May 6, 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: Assistant City Manager Jeff Tillman, 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 Charles Harkala, Good Shephard Hospice, and a salute to the flag lead by members of Boy Scout Troop 121.

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the City Commission Minutes of the April 15, 2019 Meeting. Upon vote, all ayes.

Assistant City Manager Tillman said the second meeting in May has been scheduled for Tuesday, May 21. The Auburndale High School graduation falls on that Monday, so we have moved the next City Commission Meeting date. The Meeting will still be held in the same place and same time, so there is no need for any formal action from the City Commission. He said there will also be a CRA Meeting. On Thursday, May 16, Habitat for Humanity will have a ribbon cutting at 404 Preston Street at 6 p.m. He said this goes back to the CDBG property acquisitions, where we purchased the lot with CDBG funding and donated the lot to Habitat to build a home. This is the second home they have built utilizing that program. He said it has really been a great partnership.

Parks and Recreation Director Cody McGhee gave an update of upcoming events in Parks and Recreation. On Tuesday, May 7, at 7 p.m. at Lake Myrtle Sports Park we are hosting a game from the Lamar Hunt U.S. Open Cup with the Lakeland Tropics. They are a semi-pro team, who have been playing their home games at Lake Myrtle. The event is a 105 year old tournament, with over 84 teams invited into the tournament, and they give hosting sites to several different teams. The tournament will be held tomorrow at 7:00 p.m. It will be streamed by ESPN Plus, as all host sites are streamed. He said there has been a change at the Lake Myrtle Sports Park on the Baseball Fields where we added in live streaming on all the Baseball Fields. We opened this during Russmatt through a company called - Livebarn.com. He showed video clip of the Lake Myrtle Baseball site streaming footage from Lake Myrtle during RussMatt this year. Each field has a camera behind home plate. Any tournament may use the services. It costs \$15 monthly for an individual subscription to any of the Livebarn.com locations. You could watch our location and every location Livebarn has. It is a company out of the northeast and typically they do hockey arenas for indoor hockey, basketball, or volleyball. They started branching out to baseball and the program was brought to our attention by Russmatt. It does not cost us any money. There was a code at the bottom of the video screen for a 10% discount and if an individual uses the code, the City gets a percentage of that monthly fee. They told us during RussMatt, they had 300 people subscribe. He said it was a good opportunity for family who was not able to come to the tournament to see the games live. We are starting to sell this to all the tournaments that come here. He said they are excited about the program. He gave the Commission an updated calendar of all the events through the summer. The Hurricane Expo will be held on Saturday at 10:00 at the Community Center. We will have three meteorologists, Lowes will have information on how to hurricane-proof your house, and we will have vendors regarding storm safety. This is our 4th year hosting.

Public Utilities Director John Dickson said thank you to the Commission for the new garbage truck, which was on display in front of City Hall. He said it was a rear loader and its primary use was for Wednesday on hand-brush pick up day. It also has the tippers on the back and could serve in relief if one of the side-loaders were needing service. We appreciate the truck, as it replaces a 2007 vehicle that is coming off line. It was budgeted for \$185,000 and came in at \$182,000. It is the first truck we have that has a bench seat in the front to allow all the passengers to ride inside. The workers can sit in the cab.

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

City Attorney Kee read the Proclamation for Municipal City Clerk's Week – May 5 to May 11.

Assistant City Manager Tillman said we have Shirley Lowrance who serves as both City Clerk and Finance Director.

Mayor Tim Pospichal presented the Proclamation to Finance Director/City Clerk Shirley Lowrance.

Finance Director/City Clerk Shirley Lowrance thanked the City Commission and the City for the opportunity of working for the City, as it has been her pleasure to serve each year in the position since 1995. She said she has a wonderful staff who help her so diligently every day and we are welcoming a new person into our Office, Deputy Finance Director Ryan Williamson in October. We just look for the Office to grow and get better.

City Attorney Kee read the Proclamation for Mental Illness Awareness Month - May 2019.

Aisha Alayande said she was here with Jessica Little and they serve as Board Members on Pieces 2 Peace Health and Charities. She said she was a mental health advocate for Polk, Highland, and Hardees counties. She said she wanted to share how important it was for all of us to be self-aware of the trauma that one can face and how it impacts us in the long run, as adults. When we experience things like verbal and physical abuse, a parent not in the home, a parent that may be incarcerated, we are in a low socio economic status, and other things that affect us when we are young if untreated, they can turn into public health issue. She said one out of five adults experience a mental health problem in any given year. She thanked the Commission for the Proclamation and for having them here.

1. ORDINANCE NO. 1606 ANNEXING PROPERTY INTO CITY LIMITS – GAPWAY/OLD BERKLEY

Assistant City Manager Tillman said the City will consider an Ordinance annexing property into the City limits.

Community Development Director Amy Palmer said the City has received a petition for the Gapway Groves Corporation to annex 18.21 acres of property into the City limits. The property is located on Old Berkley Road just north of Gapway Road. The property is contiguous with existing City limits to the north on property also owned by Gapway Groves. The property is currently a vacant pasture. Not all of the adjacent property in this parcel is currently being annexed into the City limits. This is to avoid creating an enclave of properties in unincorporated Polk County. The property currently has a Polk County Land Use designation of Residential Low-1. Establishing a City Future Land Use and Zoning classification on the property will be considered at Public Hearings tomorrow before the Planning Commission and later before the City Commission. The action currently before the City Commission is only on the annexation of the property into the City. Staff recommended approval of the Ordinance annexing the property.

Assistant City Manager Tillman said the proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading on April 16, 2019 and is being presented for second and final reading.

City Attorney Kee read Ordinance No. 1606, which was presented and passed on first reading on April 15, 2019, by title only.

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

Motion by Commissioner Richard Hamann, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1606, as read on second and final reading by title only. Upon vote, all ayes.

2. ORDINANCE #1607 AMENDING POLICE OFFICER'S PENSION PLAN

Assistant City Manager Tillman said the next three items are all housekeeping in nature and each Ordinance

amends a different City Pension Plan. He said Ordinance No. 1607 amends the Police Officer's Pension Trust Fund, Ordinance No. 1608 amends the Firefighters' Pension Trust Fund, and Ordinance No. 1609 amends the General Employees' Pension Trust Plan. The Ordinances provide changes for all the Plans to be compliant with the recent changes to the Internal Revenue Code (IRC) and its associated regulations, as well as guidance from the Internal Revenue Service and recent litigation. The actuary of the three plans, Foster & Foster, issued letters indicating that there are no costs associated with the adoption of the proposed Ordinances. The proposed Ordinances were prepared by the Pension Plan Attorney for the three plans, Christiansen & Dehner, P.A., and reviewed by the City Clerk, City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on Tuesday, May 21, 2019. At their meeting of April 30, 2019, the Police Officer Pension Board recommended approval of the Ordinance No. 1607. Staff recommended approval of the Ordinance.

City Attorney Kee read Ordinance No. 1607 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING THE CITY OF AUBURNDALE MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM, ADOPTED PURSUANT TO ORDINANCE NO. 1346, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 1, DEFINITIONS BY AMENDING THE DEFINITION OF "ACTUARIAL EQUIVALENT"; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 27, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 29, REEMPLOYMENT AFTER RETIREMENT; AMENDING SECTION 30, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS; PROVIDING FOR SEVERABILITY OF ACCOUNTS; PROVIDING FOR SEVERABILITY OF PROVISION; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE,** title only.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1607, as read on first reading by title only. Upon vote, all ayes.

3. ORDINANCE #1608 AMENDING FIREFIGHTER'S PENSION PLAN

Assistant City Manager Tillman said this is the same as the Police Officer Pension, the Firefighter Pension Board recommended approval of the Ordinance to provide for the IRC and IRS changes for compliance reasons. The Firefighter Pension Board recommended approval of Ordinance No. 1608 at their meeting of April 30, 2019. Staff recommended approval of the Ordinance.

City Attorney Kee read Ordinance No. 1608 entitled **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING THE CITY OF AUBURNDALE MUNICIPAL FIREFIGHTERS' PENSION TRUST FUND, ADOPTED PURSUANT TO ORDINANCE NO. 1347, AS SUBSEQUENTLY AMENDED; AMENDING SECTION 1, DEFINITIONS BY AMENDING THE DEFINITION OF "ACTUARIAL EQUIVALENT"; AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION; AMENDING SECTION 17, MISCELLANEOUS PROVISIONS; AMENDING SECTION 27, DEFERRED RETIREMENT OPTION PLAN; AMENDING SECTION 28, REEMPLOYMENT AFTER RETIREMENT; AMENDING SECTION 29, SUPPLEMENTAL BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 175 SHARE ACCOUNTS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE,** by title only.

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

Motion by Commissioner Bill Sterling, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1608, as read on first reading by title only. Upon vote, all ayes.

4. ORDINANCE #1609 AMENDING GENERAL EMPLOYEE'S PENSION PLAN

Assistant City Manager Tillman said this is similar to the last two items. The General Employee's Pension Board recommended approval of Ordinance No. 1609 at their meeting of April 30, 2019. Staff recommended approval of the Ordinance.

City Attorney Kee read Ordinance No. 1609 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE FURTHER AMENDING THE CITY OF AUBURNDALE RESTATED DEFINED BENEFIT INCOME PLAN FOR GENERAL EMPLOYEES, AS SUBSEQUENTLY AMENDED, BY ADDING SECTION 6.06, MISSING BENEFIT RECIPIENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE**, by title only.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Ordinance No. 1609, as read on first reading by title only. Upon vote, all ayes.

5. CONSIDER REQUEST FOR EXTENSION OF PLANNED DEVELOPMENT – SHARRETT PROPERTY

Assistant City Manager Tillman said the City Commission will consider an extension of an Industrial Planned Unit Development on the Sharrett Property.

Community Development Director Amy Palmer said on May 21, 2018, the City Commission gave final approval to a rezoning request on the Sharrett Property located on C. Fred Jones Blvd. The rezoning was from Light Industrial (LI) to Industrial Planned Unit Development (IPUD). As required for all Planned Developments, a binding site plan was approved during the rezoning process. Language on the binding site plan states that if the IPUD or Planned Unit Development expires, the zoning on the property automatically reverts back to a Light Industrial zoning. The IPUD Zoning designation is set to expire on May 21, 2019. All Planned Developments typically have a one-year expiration date unless specified, so they must begin within the year. Typically they will submit construction plans to the City for approval. In the Sharrett's case, we have received no plans other than the binding site plan that was approved by the City Commission in May of 2018. The City's Land Development Regulation, Chapter 6 states, "Unless otherwise specified or extended by the City Commission, development of a PD District shall begin and proceed in good faith within one year of the date of approval." There is typically a one year timeframe, unless it is specified otherwise or extended by the City Commission, as the Land Development Regulations provides for those two options. The City has received a request from the Sharrett Property owner to extend the IPUD for an additional one-year period. The extension would give the property owner additional time to begin development of the property and certainty to the City Commission and residents as to what the development would look like. If it were to revert back to Light Industrial from the Planned Unit Development, the entire list of permitted uses in the Light Industrial zoning district would be allowed to develop there. With the binding site plan, we know exactly what would develop there on the property, which is a million square foot warehouse with all the bells and whistles of buffering, setbacks, and everything else that was asked of the developer of that site plan. Any change in the site plan, as previously approved by the City Commission, would have to be presented to the Planning Commission and City Commission at advertised Public Hearings. The only action before the City Commission is on extending the time period of the IPUD. The property has requested a one-year extension. Staff recommended to approve extension of the Industrial Planned Unit Development on the Sharrett Property for an additional one-year period. She displayed the site plan and the Note Section related to the one-year requirement. It states that should development of the property for the intended use permitted as shown on this Industrial Planned Unit Development site plan not commence within one year after final approval by the City of Auburndale, the zoning designation affecting the property shall automatically and without any required action whatsoever by the property owner or any other parties revert back to Light Industrial. She said this would extend that statement for one more year. If it is not constructed or plans submitted to the City within that year, then it would revert back to Light Industrial in May 2020,

unless extended.

Assistant City Manager Tillman said staff would recommend the extension of the IPUD on the Sharrett property for the one-year period.

Mayor Tim Pospichal asked for citizen comment.

Dennis Young, 254 Lake Tennessee, asked what was the effective date for the extension. Does it start on the 21st or today.

Community Development Director Amy Palmer said as it has not expired yet, she would assume the one-year period would start on the 21st and go for another one-year period through 2020.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the requested extension of the Industrial Planned Unit Development on the Sharrett Property for an additional one-year period. Upon vote, all ayes.

6. FIRST AMENDMENT TO COMBINED PROJECTS IMPLEMENTATION AGREEMENT – PRWC

Assistant City Manager Tillman said the City Commission will consider an Amendment to the Agreement for participation in Phase I of the Polk Regional Water Cooperative project.

Public Utilities Director John Dickson said on March 7, 2016, the City of Auburndale entered into an Interlocal Agreement with Polk County and the other municipalities to establish the Polk Regional Water Cooperative (PRWC) to address the future water supply needs for the County as a "regional entity". On March 21, 2016, the City Commission appointed Mayor Pospichal as its primary member, and Commissioner Hamann, as the alternate member to serve on the PRWC Board. Mayor Pospichal currently serves as the PRWC Chairman. After a thorough vetting process, the PRWC Board voted to advance five projects as "Nominated Projects", and further advanced three of the five as "Candidate Projects". Those three projects include two that are Lower Floridan Aquifer deep well projects (West Polk Deep Wellfield in Lakeland, Southeast Wellfield near Frostproof) and the Peace Creek Integrated Water Supply Project in the Winter Haven area. These three projects are estimated to yield 50 million gallons per day (mgd) toward meeting the long-term water supply needs of the region (Polk County). Combined costs for the three Candidate Projects, if all were constructed is estimated at over \$617 million and would take five years to complete. On February 6, 2017, the City entered into a Combined Projects Implementation Agreement for the three projects. The scope of work included in Phase I includes field testing, test wells, site evaluations, yield verification, conceptual and preliminary design including water quality and pressure, total project cost refinement, rate analysis, and which member utility will participate in Phase II, which is the actual construction of one of the projects. He showed a video of the Polk Regional Water Cooperative related to the Southeast Well project. The recent settlement of disputes about withdrawal of water from the Peace River provides the PRWC and its member governments an opportunity to add the Peace River/Land Use Transition Treatment Facility Project as an additional Candidate Project to be implemented in accordance with the Original Agreement. This project was one of the original five "Nominated Projects". The Peace River/Land Use Transition Treatment Facility Project would include constructing a surface water intake, treatment facility, storage facilities and transmission lines along the Peace River, and transitioning existing agricultural and mining water withdrawals in the project area to public water supply. It is estimated that approximately 30 million gallons a day of surface water can be withdrawn from the Peace River and 6 million gallons a day of groundwater will be made available, as a result of the land use transitions occurring over a 50-year period. The proposed First Amendment to the Combined Projects Implementation Agreement adds the Peace River/Land Use Transition Treatment Facility Project to the approved "Candidate Projects". There is no additional funding required for this Amendment. It was one of the five original and we are just adding it after the dispute to

the candidate project listing.

Assistant City Manager Tillman said the Polk Regional Water Cooperative Board voted to approve the Amendment at their meeting January 16, 2019. Staff recommended approval of the First Amendment to the Combined Projects Implementation Agreement.

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

Motion by Commissioner Bill Sterling, seconded by Commissioner Dorothea Taylor Bogert, to approve the First Amendment to the Combined projects Implementation Agreement. Upon vote, all ayes.

7. FINAL PLAT APPROVAL – MAGNOLIA ESTATES SUBDIVISION

Assistant City Manager Tillman said the City Commission will consider the Final Plat for the Magnolia Estate Subdivision.

Community Development Director Amy Palmer said the City has received the final plat for the Magnolia Estates subdivision. The 27-lot subdivision is located on Bolender Road, east of Ariana Woods Circle. The property is zoned Single Family Residential- 2, RS-2, with lot sizes varying between 10,500 and 11,200 sq. ft., which far exceeds the RS-2 zoning standards. City staff has reviewed the final plat and inspected the subdivision plans to determine compliance with the City's Land Development Regulations including lot size, setbacks, open space, and sidewalks. All sidewalks, roads, open spaces and retention areas are being dedicated to and will be maintained by the Homeowners Association. Access to the subdivision will be from Bolender Road, a county-maintained Road. Construction of all infrastructure in the subdivision has been inspected by City Staff and is complete. Final Plat approval allows the developer to sell lots and build homes. The City Commission approved the Preliminary Plat for the subdivision on November 19, 2018. Staff recommended approval of the Final Plat. She went over the roadmap for the development: annexed and given a Future Land Use of Low Density Residential, given RS-2 zoning, in November the City Commission approved the Preliminary Plat, Construction Plan application for review of all Land Development Regulations and approvals from other agencies, and Final Plat for approval. Staff recommended approval of the Final plat.

Commissioner Bill Sterling asked if the homes would have a two-car garage.

Community Development Director Amy Palmer said she thought they would have a two-car garage, but was not able to reach the home builder or developer. She said she thought the market was for a two-car garage.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Final Plat for Magnolia Estates Subdivision. Upon vote, all ayes.

Meeting adjourned at 7:45 p.m.

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

Shirley A. Lowrance, Finance Director/City Clerk

the candidate project listing.

Assistant City Manager Tillman said the Polk Regional Water Cooperative Board voted to approve the Amendment at their meeting January 16, 2019. Staff recommended approval of the First Amendment to the Combined Projects Implementation Agreement.

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

Motion by Commissioner Bill Sterling, seconded by Commissioner Dorothea Taylor Bogert, to approve the First Amendment to the Combined projects Implementation Agreement. Upon vote, all ayes.

7. FINAL PLAT APPROVAL – MAGNOLIA ESTATES SUBDIVISION

Assistant City Manager Tillman said the City Commission will consider the Final Plat for the Magnolia Estate Subdivision.

Community Development Director Amy Palmer said the City has received the final plat for the Magnolia Estates subdivision. The 27-lot subdivision is located on Bolender Road, east of Ariana Woods Circle. The property is zoned Single Family Residential- 2, RS-2, with lot sizes varying between 10,500 and 11,200 sq. ft., which far exceeds the RS-2 zoning standards. City staff has reviewed the final plat and inspected the subdivision plans to determine compliance with the City's Land Development Regulations including lot size, setbacks, open space, and sidewalks. All sidewalks, roads, open spaces and retention areas are being dedicated to and will be maintained by the Homeowners Association. Access to the subdivision will be from Bolender Road, a county-maintained Road. Construction of all infrastructure in the subdivision has been inspected by City Staff and is complete. Final Plat approval allows the developer to sell lots and build homes. The City Commission approved the Preliminary Plat for the subdivision on November 19, 2018. Staff recommended approval of the Final Plat. She went over the roadmap for the development: annexed and given a Future Land Use of Low Density Residential, given RS-2 zoning, in November the City Commission approved the Preliminary Plat, Construction Plan application for review of all Land Development Regulations and approvals from other agencies, and Final Plat for approval. Staff recommended approval of the Final plat.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Final Plat for Magnolia Estates Subdivision. Upon vote, all ayes.

Meeting adjourned at 7:45 p.m.

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


Shirley A. Lowrance, Finance Director/City Clerk