

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held July 15, 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 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 Jason Kent of Connect Church and a salute to the flag.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Minutes of July 1, 2019. Upon vote, all ayes.

Mayor Tim Pospichal congratulated Commissioner Bill Sterling on being recognized for the Florida League of Cities Mayor John Land Years of Service Award for his 20 years of service to the City of Auburndale. He will be recognized at the August FLC Meeting. He said we are very proud of you and your citizens are proud of you.

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

### **1. TRANSMITTAL PUBLIC HEARING – LAND USE MAP AMENDMENT – AUBURN COVE PHASE 3**

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

City Manager Green said the Public Hearing was to consider a proposed amendment to Ordinance No. 752 the City's Comprehensive Plan and Future Land Use Map that will be submitted to the Florida State Land Use Planning Agency for an expedited review.

Community Development Director Amy Palmer said the City has received a request for a Large-Scale Future Land Use Map Amendment for the Auburn Cove Property. The Owner/Petitioner is Hunter Engineering, Inc. on behalf of Augustus Davis. The location is Berkley Road and Pearce Road on 20.11 vacant acres. The current Polk County Future Land Use is Residential Low-4X; Preservation-X and the proposed City Future Land use is Low Density Residential and Conservation Wetland. Phase I of the Berkley Ranch Subdivision was approved by the City Commission in September 2018 with a Future Land Use designation of Low Density Residential. Phase 2 of the Subdivision was approved by the City Commission in January 2019 with the same designation. The investors of the Subdivision have under contract an adjacent 20 acres owned by Augustus Davis, which is now being considered as Phase 3 of the subdivision and being renamed to Auburn Cove. She said you will hear us refer to the Berkley Ranch property as the Auburn Cove Subdivision. The property is currently vacant and is proposed for a 58-lot single-family residential subdivision. As a result of the annexation of the adjacent property into the Auburndale City limits on July 1, 2019 and the property exceeding ten acres in size the property is required to go through the City's Comprehensive Plan Large-Scale Future Land Use and Zoning Map amendment process and then forwarded to the Florida Department of Economic Opportunity for a compliance review. The proposed City Future Land Use of Low Density Residential is consistent with the Polk County Future Land Uses of Residential Low-4X and Preservation-X, which are currently applied to the property. The other proposed land use is Conservation Wetlands. The proposed Land Use is also consistent with surrounding development including Phases I and 2 of the proposed subdivision, the City's Land Development Regulations, Comprehensive Plan, and the Joint Planning Agreement with Polk County. Upon receipt of the State Review, the City Commission will hold an additional Public Hearing on the adoption of the Land Use designation and proposed zoning designation. The Planning Commission recommended approval of the proposed Land Use in a 5-0 vote on July 2, 2019. Staff recommended approval of the transmittal resolution. She displayed the location of the property on the map. Phase 1 of the Auburn Cove subdivision was brought into the City limits and given a land use designation in September 2018. Phase 2 of the subdivision was given the land use designation of Low Density Residential in January and this is now Phase 3 of the property. The Planning Commission heard the

zoning proposal for this property. The zoning will come back to the City Commission following the State review of the Land Use. The decision tonight is to transmit the proposed Future Land Use of Low Density Residential and Conservation Wetlands to the State for review. When that comes back from the State, the City Commission will have the opportunity to review that again and adopt it as well as the zoning designation. She went over the Planning and Development Road Map for the property.

City Manager Green said after the State review, Public Hearings will be held on establishing the Land Uses of Low Density Residential and Conservation Wetlands. Also a Public Hearing would be held on the zoning, which will become a binding site plan.

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

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

## **2. RESOLUTION #2019-07 TRANSMITTING MAP AMENDMENT TO STATE– AUBURN COVE PHASE 3**

City Attorney Kee read Resolution No. 2019-07 entitled: **A RESOLUTION PROPOSING AN AMENDMENT TO THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA AND TRANSMITTING SUCH PROPOSED AMENDMENT TO THE FLORIDA STATE LAND PLANNING AGENCY FOR AN EXPEDITED STATE REVIEW (GENERAL LOCATION: Pearce Road)**, by title only.

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Bill Sterling, to approve Resolution No. 2019-07, as read by title only. Upon vote, all ayes.

## **3. PRESENTATION ON RECKER HIGHWAY BRIDGE ALTERNATIVES - FDOT**

City Manager Green said the City Commission will hear a presentation on the proposed Recker Highway Bridge Project being considered by the Florida Department of Transportation. He went over the attachments, which were included in the Agenda packet: the current configuration, the second attachment was the FDOT alternative 1, the third attachment was an Alternate, and the fourth attachment was the proposed alignment approved by FDOT and Polk County. The proposed alignment shows the realigned, signalized intersection at Thornhill Road and Recker Hwy., a new road providing access to the businesses on the west side of Recker Hwy., eliminating the intersection of Derby Avenue and Recker Hwy., providing for a cul-de-sac at Derby Avenue. The Florida Department of Transportation District One is proposing an overpass to carry SR 655 (Recker Highway) over the CSX Railroad and connect with US Highway 92. A Public Information Meeting was held in March 2017 at the Auburndale Civic Center, which presented several alternatives for the bridge and roadway configurations. Following a project presentation before the City Commission in May 2017, the Commission voted to recommend the alternative that included a longer bridge that would allow Derby Avenue to continue under the bridge and connect with Thornhill Road. Subsequently, FDOT conducted a Value Engineering Study for the project, which recommended the closure of Derby Avenue. FDOT approved the recommendation contingent on concurrence by both Polk County and the City of Auburndale. Polk County, which has the jurisdiction of Derby Avenue has given approval of the closure and agreed to improve Chambers Road. Chambers Road, a paved County maintained road, connects Recker Highway with Derby Avenue just east of the Auburndale Memorial Park Cemetery. FDOT, which has jurisdiction of Recker Highway or SR 655 has approved a new entrance to the cemetery adjacent to the new maintenance building and office. City Staff requested FDOT to make a follow-up presentation on the preferred configuration. Representatives from the Florida Department of Transportation District One Office present were Arlene Barnes with FDOT and Sean Moore, Project Manager with Jacobs Engineering.

Sean Moore, Project Manager, said Arlene Barnes is here representing FDOT District 1 and a couple of the other stakeholders representing District 1 are Nicole Mills and Barb Daugherty. He said he was a Consultant with Jacobs Engineering. We are here to discuss the Recker Hwy. Design Project over CSX Railroad. He said we are here to discuss the project status and request concurrence on the decommission of the Recker

Highway crossing. He said the project is right outside the City limits. It is an at grade crossing of Recker Hwy. at CSX Railroad. Recker Hwy., is a FDOT facility, Derby Avenue and Thornhill Road are Polk County facilities, and the railroad is a CSX facility. The PD&E was conducted by FDOT for the purpose of improving safety at the entry crossing. During the study, it was identified that there was a need for capacity improvement; grade separation was recommended; and widening of Recker Hwy. to four lanes. As we got farther along in the design process, we did move the crossing of Derby farther to the south to take advantage of the vertical alignment of Recker Hwy. and the different vertical clearance requirements over the railroad. He said it also took advantage of a pocket of available right of way to the east of Recker. The big benefit of shifting to the south was we avoided impacting the parking lot at MCI. We have presented a 15% line and grade to the Department of Transportation, met with Polk County and the City of Auburndale in March, and have been through the value engineering study. He said the common question is "Why do we have the Derby crossing?". He said subsequent to getting this repeat question, we have done some analysis and by taking the Derby crossing out, we recognize a \$2 million construction cost savings on bridges alone. He said this was a sufficient taxpayer cost savings. He said having coordinated this particular dialogue with the DOT Freight and Model Department there is sufficient routing for trucks and vehicles elsewhere using both Recker and Thornhill. We would recommend connecting Thornhill and providing the various facilities with access. He showed a draft of the cul-de-sac and said they would work with the City and County to determine placement for direct access into the cemetery, as it was yet to be determined. He said the action they are requesting was for City to vote on concurrence with Polk County to remove the Derby Avenue crossing. As was discussed with the County, DOT is on board with improvements at Chambers to the east to mitigate for the additional truck traffic there.

City Manager Green said you indicated the big question was "Why do we have the Derby crossing?". He said the bigger question is why do we have the railroad crossing. He said this was determined early on in the PD&E and even as a request from CSX.

Sean Moore said correct. There are approximately 22 trains per day that come through there. This project is primarily funded by safety funds to mitigate the potential safety conflict with the CSX crossing.

Commissioner Dorothea Taylor Bogert said she would abstain from voting on this issue, as her family is impacted by this and would abstain from voting and the discussion. She filed Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, which is attached to the Minutes.

City Manager Green said the Commission was copied to an email of the presentation made to the Board of County Commission in support for closure of the connection between Derby Ave. and Recker Hwy. They have actually emailed that the County concurred with the closure based on the conditions related to improvements related to Chambers Road, which would now become that connector between Recker Hwy. and Derby Avenue. If the City Commission were to vote to concur with the closure, it probably should be with addressing the issues that the County had with Chambers Road.

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

Commissioner Richard Hamann asked at the closure who would be impacted.

City Manager Green said one resident that maybe impacted.

Commissioner Bill Sterling asked if there would be a light at Thornhill Road.

Sean Moore said no, with the road being elevated to get the grade separation at CSX, Thornhill road will be shifted. The PD&E recommended a roundabout. He said they are deep into a traffic analysis and they recommended a free flow movement in the north bound direction, which is called a Green T. At this point, we do not know which way we will go. We are going to let the data drive the outcome for the intersection. He said with the Green T it would be signalized for the southbound movements and vehicles coming out of

Thornhill. We are trying to determine which models operationally and safely would be the best option. He said it likely to be a signal or a roundabout.

Commissioner Keith Cowie asked about the new entrance off Recker Hwy for the Cemetery.

City Manager Green said they are actually closing the north entrance and we would look to DOT to replace the entrance by the Maintenance Building.

Commissioner Bill Sterling said the bottom line is it saves \$2 million.

Sean Moore said the funding has been approved for construction.

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve and give concurrence to the new configuration for the Design project, with the concerns of the County and improvements of Chambers Road. Upon vote, all ayes. Commissioner Dorothea Taylor Bogert abstained from voting and filed Form 8B, Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers, which is attached to the Minutes.

#### **4. PRESENTATION OF CITY MANAGER AND CITY ATTORNEY EVALUATIONS**

Mayor Tim Pospichal announced the results of the City Manager and City Attorney evaluations.

**2019 City Manager Evaluation** with 8 Items Evaluated and 5 Commissioners Responding for a total of 40 Responses. The results showed No "Below Expectations" Ratings, No "Meets Expectations" Ratings, and 40 "Exceeds Expectations" Ratings.

**2019 City Attorney Evaluation** with 4 Items Evaluated and 5 Commissioners Responding for a total 20 Responses. The results showed No "Below Expectations" Ratings, No "Meets Expectations" Ratings, and 20 "Exceeds Expectations" Ratings.

Mayor Tim Pospichal said you are doing a fantastic job. We could not be happier as Commission and the City could not be more efficient or run better.

Commissioner Richard Hamann said as a citizen and Commissioner, he wanted to thank the City Manager and City Attorney for the job they do for the City and for the citizens. He said well done.

Commissioner Keith Cowie said he concurred.

Commissioner Dorothea Taylor Bogert said as a new Commissioner, she appreciated all the assistance and help received.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to accept and approve the City Manager and City Attorney Evaluations. Upon vote, all ayes.

#### **5. REVISED AUTOMATIC AID AGREEMENT FOR FIRE/RESCUE SERVICES WITH POLK COUNTY**

City Manager Green said in 2015, the City of Auburndale entered into an Automatic Aid Agreement with Polk County for Fire Protection and Rescue Services. The Agreement provides provisions for an initial response from the firefighting and rescue agency closest to an emergency. This cooperative effort makes the most efficient use of both, City and County resources and provides a higher level of service delivery to our citizens. As part of the Agreement, the County stationed a 1996 50' aerial apparatus or ladder truck at the Auburndale Fire Station. The County pays for the maintenance of the truck, and Auburndale staffs and responds to dispatched calls both, inside the City limits and the outside service area. The Agreement also

provided means in which to replace the older truck. In June 2019, the City Commission approved purchase of a new aerial ladder truck with funding assistance from the County, per the Agreement. The most significant change in the proposed Revised Agreement is deleting the reference to the arrangements of stationing the 1996 apparatus in Auburndale and its replacement. All other provisions of the original Agreement remain the same and reflect changes that are housekeeping in nature. The Revised Agreement includes an updated Operational Plan that has been approved by the Auburndale Fire Chief and Interim Polk County Fire Chief. The Revised Agreement has been reviewed by the Fire Chief, City Manager and City Attorney. The Revised Agreement is also being presented to the Polk County Board of County Commissioners for their approval. Staff recommended approval of the Revised Automatic Aid Agreement with Polk County.

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

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Richard Hamann, to approve the revised Automatic Aid Agreement for Fire/Rescue Services with Polk County. Upon vote, all ayes.

## 6. PRESENTATION OF PROPOSED FY 2020 AND FY 2021 REVENUES

City Manager Green read from the June Detailed Analysis Report, which is provided monthly by the Finance Director on the finances of the City. It showed the Revenue collected at \$26,800,000 and the expenses are \$25,696,000 – a difference of \$1,141,000. In the perfect world we would be at three quarters of our Budget or 75%. As noted in the Report, the City has collected almost 71% of the Revenue and spent 68% of our total expenditures. On a straight-line comparison, we are in good shape. Basically, if we do not have it, we do not spend it. Each month we watch the line items in every Department. Last month the Commission gave approval to expenditures and non-departmental expenditures. Tonight we talk about the Revenues, as we have waited until we know State dollar estimates from Tallahassee and assessed values from the Property Appraiser. We do our planning on what our needs are and then do our planning on how much money we have to meet the needs. As reported when the expenditures were presented, our Budget was already balanced using the current millage rate and projected revenue dollars. He explained the three funds, General Fund, CRA Fund, and Water and Sewer Fund, must balance for revenues and expenditures. The Budget is balanced with the current millage rate with a projected budget of \$5,230,000. He said we will talk about the line items that have a variance of \$10,000 from prior year. Other line items may reflect smaller variances.

Finance Director/City Clerk Shirley Lowrance went over the General Fund revenue line items. Some of the line items discussed were: Tampa Electric Utility Taxes, CDBG Block Grant, Florida Division of Historical Resources Grant, Sales Taxes, Police and Fire Pension Funds from the State, Construction Plan Review, Curbside Recycling, Recreation Impacts, Reserves for funds coming into our Budget, Capital Lease Proceeds, Bond Proceeds of \$9.2 million, and the Interfund Transfer. The FY 19/20 budget for General Fund was \$31,554,510 and for FY 20/21 \$22,554,426.

City Manager Green went over the Community Redevelopment Agency Fund totals for the two proposed Budget years. For both years, the proposed budgets were \$1,391,600.

Finance Director/City Clerk Shirley Lowrance went over the Water & Sewer Fund revenue line items. Some of the line items discussed were: Water Charges, Water Connections, Sewer Charges, Pretreatment Charges, Water Impact Fees, Sewer Impact Fees, Reimbursement PRWC Conservation Projects, Reserves, and FDOT Regional Sprayfield.

City Manager Green said the proposed FY 19/20 Budget total was \$50,815,610 and proposed FY 20/21 Budget was \$38,361,666. He went over the Contingency changes made since the last meeting when it was reported at \$204,205 for FY 19/20 and \$187,268 for FY 20/21. Several of the Contingency changes were: Health Insurance at a 7% increase rather than a 10% increase, Lease Proceeds, for the Police Department Vehicles, and Payroll changes. The Contingency totals for FY 19/20 were \$221,025 and the Contingency

totals for FY 20/21 were \$260,038. He said the Contingency numbers may be adjusted based upon changes necessary between now and the Public Hearings. He said the next Commission meeting will be August 5, Commission Day Activities will be on August 12, and the second August Meeting will be August 19. The Public Hearing dates are September 5 and September 17. On Tuesday, October 1 we start our new budget year. Staff ask for tentative approval of the proposed revenue section of the budget.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to give tentative approval of the proposed FY 19/20 and FY 20/21 Revenue section of the Budget, as presented. Upon vote, all ayes.

## **7. APPROVE PROPOSED FY 2020 ROLLED-BACK RATE AND MILLAGE RATE**

City Manager Green said Florida Statutes require the City to compute a proposed millage rate necessary to fund the proposed budget. The City must advise the Property Appraiser of its proposed millage rate, rolled-back rate and the date, time and place for a public hearing. The Property Appraiser utilizes this information in preparing the notices of proposed property taxes, which are mailed to property owners. The City's existing millage rate is 4.2515. Using the current millage rate times our current year's gross taxable value; the ad valorem proceeds would represent an increase of \$415,632 over the prior year. The Rolled-back rate for FY 2020 is 4.0566 and would provide the City with the same ad valorem, as the prior year. Factoring in for growth, the Rolled-back rate would represent an increase of \$252,323 over the prior year. The proposed FY 2019-2020 Budget is balanced utilizing the current millage rate of 4.2515. If approved by the City Commission, the millage rate could be lowered, but not increased above the 4.2515 without the expense of re-advertising to all property owners. Staff recommendation was to approve 4.0566 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2019 and Budget Year 2020.

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

**Motion** by Commissioner Bill Sterling, seconded by Commissioner Keith Cowie, to approve the 4.0566 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2019 and Budget Year 2020. Upon vote, all ayes.

## **8. APPROVE PUBLIC HEARING DATES FOR PROPOSED FY 2020 BUDGET**

City Manager Green said staff recommendation was to approve Thursday, September 5, 2019 and Tuesday, September 17, 2019 at 7:00 p.m. at City Hall for the required Public Hearings, on the proposed FY 2020 Budget and millage rate.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Dorothea Taylor Bogert, to approve the Public Hearing dates of September 5, 2019 and September 17, 2019 at 7:00 at City Hall. Upon vote, all ayes.

## **9. SET BUDGET WORK SESSION DATE (08-12-19), COMMISSION DAY**

City Manager Green said staff recommendation was to set Monday, August 12, 2019, for Commission Day activities and for a proposed budget work session, if necessary.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to set

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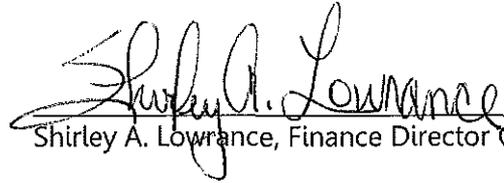
August 12, 2019 for the Commission Day activities and proposed budget work session. Upon vote, all ayes.  
Meeting adjourned at 7:55 p.m. I HEREBY CERTIFY that the foregoing Minutes are true and correct.

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Shirley A. Lowrance, Finance Director City Clerk

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August 12, 2019 for the Commission Day activities and proposed budget work session. Upon vote, all ayes.  
Meeting adjourned at 7:55 p.m. I HEREBY CERTIFY that the foregoing Minutes are true and correct.

  
Shirley A. Lowrance, Finance Director City Clerk

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

Dorothea Taylor Bogert, hereby disclose that on July 15, 2019:

(a) A measure came or will come before my agency which (check one or more)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, Dorothy R. Taylor \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

My family has property that will be impacted by the FDOT Recker Hwy flyover

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

07-15-19  
Date Filed

[Signature]  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

