



City of Auburndale

AUBURNDALE, FLORIDA 33823

Office of the City Manager

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CITY COMMISSION MEETING
March 2, 2020 – 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Tim Pospichal

INVOCATION – Pastor Terry Brown, Legacy Community Church

PLEDGE OF ALLEGIANCE – Mayor Tim Pospichal

ROLL CALL – City Clerk Shirley Lowrance

APPROVE COMMISSION MINUTES – Regular Meeting – 02/17/2020

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. ORDINANCE #1633 AMENDING FIREFIGHTER PENSION PLAN – CANCER PRESUMPTION
2. **PUBLIC HEARING** – EXTENDING TERM OF JOINT PLANNING AGREEMENT
3. AMENDMENT #1 EXTENDING TERM OF JOINT PLANNING AGREEMENT WITH POLK COUNTY
4. INTERLOCAL AGREEMENT FOR TOURIST DEVELOPMENT TAX FUNDING – SOCCER STADIUM
5. PROMOTIONAL AGREEMENT WITH POLK COUNTY SPORTS MARKETING– SOFTBALL COMPLEX
6. CONSIDER PURCHASE OF 108 SHELBY STREET BEHIND SENIOR CENTER
7. ORDINANCE #1634 ANNEXING PROPERTY INTO CITY LIMITS – GAPWAY GROVES/CONE RD
8. DISCUSS PROPOSED AGREEMENTS FOR ROAD TRANSFER BETWEEN CITY AND POLK COUNTY

F.S. 286: If an individual decides to appeal any decision made by the City Commission with respect to this meeting, a verbatim transcript may be requested. If so, the individual should make provisions for a transcript to be made at the meeting. Persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk no later than five days prior to the proceeding at 968-5133.

City Commission Meeting
March 2, 2020

**AGENDA ITEM 1: ORDINANCE #1633 AMENDING FIREFIGHTER PENSION PLAN –
CANCER PRESUMPTION**

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider an Ordinance amending the Firefighters' Pension Plan.

ATTACHMENTS:

Ordinance #1633 Amending Firefighters' Pension Plan

ANALYSIS: Florida Statutes were amended in 2019 to provide that upon a diagnosis of one of twenty-one cancers, a firefighter is entitled to certain benefits as an alternative to pursuing workers' compensation benefits. The law, effective July 1, 2019 also gives broad rulemaking authority to the State to adopt best practices as it relates to personal protective equipment, decontamination, fire suppression apparatus, and fire stations.

A firefighter that meets certain conditions will receive a \$25,000 lump sum payment; cancer treatment; reimbursement for out-of-pocket deductibles, copayments, and coinsurance; disability retirement; and a death benefit to the firefighter's beneficiary. To receive the benefits, the firefighter must be employed by the City for at least 5 continuous years, has not used tobacco products for at least the preceding 5 years, and not been employed in any other position in the preceding 5 years which is proven to create a higher risk of any cancer.

If the firefighter elects to continue coverage in the City's group health insurance plan after terminating employment, the benefits of the health insurance plan must be made available for 10 years following separation. If the firefighter participates in the City's Firefighters' Pension Plan, the Plan must consider the firefighter totally and permanently disabled in the line of duty.

The proposed Ordinance amends the City's Firefighters' Pension Plan to provide for the total and permanent disability due to the diagnosis of cancer or circumstances that arise out of the treatment of cancer.

The cost for this benefit and amendment to the Firefighter Pension Plan is estimated by the Actuary (Foster & Foster) at .1 percent of the Fire Department Payroll. The proposed Ordinance was prepared by the City's Fire Pension Attorney (Christiansen and Dehner) and approved by the Firefighters' Pension Board on January 28, 2020. The proposed Ordinance was approved on first reading February 17, 2020 and is being presented for second and final reading.

STAFF RECOMMENDATION: Approval of the Ordinance.

City Commission Meeting
March 2, 2020

AGENDA ITEM 2: PUBLIC HEARING – EXTENDING TERM OF JOINT PLANNING AGREEMENT

AGENDA ITEM 3: AMENDMENT #1 - EXTENDING TERM OF JOINT PLANNING AGREEMENT

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on extending the Joint Planning Area Agreement with Polk County.

ATTACHMENTS:

- . Notice of Public Hearing – 2/21/2020
- . Amendment #1 Extending Term of Joint Planning Agreement with Polk County
- . Joint Planning Area and Interlocal Agreement between the City of Auburndale and Polk County

ANALYSIS: In 2009, the City of Auburndale and the Polk County Board of County Commissioners (BOCC) entered into a Joint Planning Area Interlocal Agreement. The adoption of the Agreement followed several years of discussion with Polk County, the Central Florida Regional Planning Council (CFRPC) and the Florida Department of Community Affairs regarding the City's goal to establish a unified approach to planning for coordinated growth in the north Auburndale area and west toward the Polk Parkway.

The Interlocal Agreement established a Joint Planning Area (JPA) with Polk County that serves as a guide to the City and County regarding policies for future growth with the boundaries of the JPA. The Interlocal Agreement assists both governments to better identify areas proposed for future municipal services, and to better coordinate government services by avoiding the creation of incompatible land uses near common boundaries.

The Interlocal Agreement expired in 2014 and was renewed and updated by both parties in March 2019. The updated agreement was for a term of one (1) year that may be extended for succeeding periods of one (1) year by mutual written agreement of the parties.

The proposed Amendment constitutes the City's and County's desire to renew the Joint Planning Agreement with Polk County for a subsequent one (1) year period through March 19, 2021. The Polk County BOCC will consider renewal of the JPA Agreement at their scheduled meeting on Tuesday, March 3, 2020.

STAFF RECOMMENDATION: Approval of the Amendment #1 extending the term of the Joint Planning Agreement with Polk County.

City Commission Meeting
March 2, 2020

AGENDA ITEM 4: INTERLOCAL AGREEMENT – FUNDS FOR SOCCER STADIUM DESIGN

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider an Interlocal Agreement with Polk County for design and engineering work of a multi-purpose stadium to be built at the Lake Myrtle Sports Complex.

ATTACHMENTS:

Interlocal Agreement for Tourist Development Tax Funding for Multi-Purpose Stadium

ANALYSIS: In 2006, the City of Auburndale entered into several agreements to expand the Lake Myrtle Sports Complex to accommodate the Florida Youth Soccer Association (FYSA) headquarters and additional improvements including a stadium on the soccer championship field. Engineering work was performed by Chastain Skillman, and design work prepared by the Lunz Group. Due to financial considerations, the stadium was never built. Specifically, plans were changed to relocated concession operations out of the FYSA building, and the parties agreed to utilize aluminum bleachers for seating on the Championship Field.

The City and Polk County are interested in hosting more events at the complex that require the amenities of a stadium. These events include the Florida High School Athletic Association's Boys and Girls Soccer State Championships, the Boys and Girls Lacrosse State Championships, the Pan American Lacrosse Association's World Qualifying events, the Florida Tropics professional team and other large-scale events.

The proposed Interlocal Agreement would allow for updating the previous engineering and design plans to current building code requirements. The proposed Interlocal Agreement provides \$112,355 to be used by the City solely for the payment of updating the engineering plans (Chastain Skillman - \$98,355 – Exhibit A) and design plans (Lunz Group - \$14,000 - Exhibit B).

Completion of this work will allow for the bidding of the construction phase. The Polk County Tourist Development Council has committed the funding for the construction of the stadium. The City and County will consider an additional Interlocal Agreement for construction services at a later date.

The proposed Interlocal Agreement was prepared by Polk County and reviewed by the City Manager, City Attorney and Parks and Recreation Director.

STAFF RECOMMENDATION: Approve the Interlocal Agreement.

City Commission Meeting
March 2, 2020

AGENDA ITEM 5: PROMOTIONAL AGREEMENT WITH POLK COUNTY – SOFTBALL COMPLEX

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will consider an Agreement with Polk County Tourism & Sports Marketing for a one-time sponsorship of the Auburndale Softball Complex.

ATTACHMENTS:

Promotional Agreement

ANALYSIS: Polk County, through its Tourism & Sports Marketing Division has agreed to sponsor the Auburndale Softball Complex, which hosts numerous events and tournaments that attract visitors and participants to Polk County, and is home to the City's local Miss Auburndale Softball league.

This one-time sponsorship of \$18,000 will allow the City to make necessary improvements to the facility, including construction of new batting cages. The sponsorship complements the additional funding included in the City's current fiscal year budget for enhancements to the softball complex. As with the baseball fields at Lake Myrtle, all five softball fields have been laser graded for better play on the clay surface. Additional improvements include sun shading over the bleachers on two of the five fields, fence repairs and landscaping.

The proposed Promotional Agreement was prepared by Polk County and is similar to other Sponsorship Agreements with the City.

STAFF RECOMMENDATION: Approve the Promotional Agreement with Polk County.

**City Commission Meeting
March 2, 2020**

AGENDA ITEM 6: CONSIDER PURCHASE OF 108 SHELBY STREET BEHIND SENIOR CENTER

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider the purchase of property located at 108 Shelby Street behind the Senior Center facility.

ATTACHMENTS:

- . Contract for Sale and Purchase
- . Location Map

ANALYSIS: The City was recently approached by Ricky F. Browning, owner of 108 Shelby Street, to inquire if the City was interested in acquiring his property for \$35,000. The property currently contains a single-family home in disrepair and sits behind the Senior Center and adjacent to vacant property previously purchased by the City.

The City secured a title search on the property and provided the owner the required documents needed for closing. The City Attorney has reviewed the Contract for Sale and Title Commitment.

Funding for the purchase is available in the Recreation Impact Fee Reserve line item in the City's current FY2020 Budget. The account has a balance of \$540,672.13. The purchase of the property is an allowable expense as provided in Resolution 822, which established the impact fee.

Acquisition of the property at 108 Shelby Street will allow for additional parking at both the Senior Center and Civic Center after demolition of the single-family structure.

STAFF RECOMMENDATION: Approve the Contract for Sale and Purchase at 108 Shelby Street.

City Commission Meeting
March 2, 2020

AGENDA ITEM 7: ORDINANCE #1634 ANNEXING PROPERTY INTO CITY LIMITS – CONE RD

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider an Ordinance annexing property into the City limits.

ATTACHMENTS:

- . Petition to Annex Property into City Limits
- . Proposed Ordinance #1634 Annexing Property into City Limits

ANALYSIS: The City has received a petition from the Gapway Groves Corporation to annex +/- 76.28 acres of property into the City limits. The property is located east of Cone Rd. at CR-559 and is currently vacant land following the recent removal of the orange groves on the site. The property is contiguous with existing City limits and annexation does not create an enclave.

Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the city.

The proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on March 16, 2020.

STAFF RECOMMENDATION: Approve the Ordinance annexing the Gapway Groves property into City limits.

**City Commission Meeting
March 2, 2020**

AGENDA ITEM 8: DISCUSS PROPOSED AGREEMENTS FOR ROAD TRANSFER W/ POLK COUNTY

 X INFORMATION ONLY

 ACTION REQUESTED

ISSUE: City Staff will make a presentation on matters related to the jurisdictional swap of SR 559 and Berkley Road between the Florida Department of Transportation and Polk County.

ATTACHMENTS:

None

ANALYSIS: For several years, the City has worked with the Florida Department of Transportation and Polk County on issues related to SR 559. These matters include the increased number of commercial trucks through the downtown area, safety concerns near the downtown park and increased traffic due to the growth in the North Auburndale area.

Just recently, and after years of negotiations and additional road network improvements, the State and County swapped jurisdictional control of State Road 559 and Berkley Road.

On March 16, 2020, the City Commission will consider several Agreements with Polk County to transfer jurisdictional control of portions of the road network that were recently obtained from the State.

Prior to the Agreements being presented on March 16, 2020, City Staff will lead discussion on matters related to the swap between the State and County and issues related to the transfer of various portions of the road network to the City.

This item is for information only. The proposed Agreements between the City and County will be presented at the next City Commission Meeting on March 16, 2020 and the Polk County Board of County Commissioners Meeting on March 17, 2020.