

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held February 3, 2020 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 Jack Myers. 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 Peg Roy, First Presbyterian Church and a salute to the flag.

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve the Minutes of January 21, 2020 Regular Meeting. Upon vote, all ayes.

City Manager Green said we received invitations for the Youth Baseball and Girls softball opening and they happen to be at the same time on the same day - February 22. He said Staff will get back with the Leagues to try to coordinate the openings. Last week the Department of Transportation approved the swap of State Road 559 and Berkley Road. They are in the process of notarizing the necessary paperwork. The County and City will get together on the those portions of the State network or County network that the City will obtain jurisdiction for maintenance. He said probably on the March 2 meeting we will have Interlocal Agreement with the County to present to the Commission. The Board of County Commission would then entertain the matter on March 3. We will work out the details of the swap, but there are additional items such as signage, resurfacing and a lot of questions in the community, and the truck route. We will sit down with the County to work those issues out before bringing it to the Commission.

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

City Manager Green said on January 9, 2020, Officer Danny Swan was named Law Enforcement Officer of the Year for agencies our size by the Polk County Police Chief's Association during their annual banquet.

Police Chief Andy Ray read the commendation for Officer Danny Swan.

Mayor Tim Pospichal presented the commendation to Officer Danny Swan, Auburndale Police Department, for his actions on November 2, 2019.

City Manager Green said the commendation is signed by the entire City Commission. Everyone congratulated Officer Danny Swan. Auburndale Police Officers present for the presentation were: Sergeant John Cruz, Corporal Cody Skinner, and Police Officer Kevin Seymour. He thanked them for the job they do.

## **1. ORDINANCE #1629 AMEND FUTURE LAND USE MAP – MFG US PROPERTY**

City Manager Green said the first four items on the Agenda are Ordinances for second and final reading. They are adjacent properties located on State Road 559. We combined and have to establish the Future Land Use on both properties and zoning on both properties. The City has received a request for a Future Land Use Map Amendment and Zoning map Amendment on two separate adjacent properties located on SR 559 and south of William Van Fleet Road. The City Commission was requested to change the Land Use and Zoning classifications on one, and establish a Land Use and Zoning designation on the other.

Community Development Director Amy Palmer said the analysis will be for the next four items on the Agenda: MFG US Property LLC property and First CZ Real Estate Property. The MFG US Property is being presented by Sara Case and is located at SR 559 and William Van Fleet Road. The current City Future Land Use is Low Density Residential and the current zoning is Planned Development Housing 1. The proposed Future Land Use is Neighborhood Activity Center and the proposed zoning is Commercial Highway. The property is approximately 8.5 acres. The City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment on two separate and adjacent properties located on SR 559 and south of

William Van Fleet Road. She displayed the location of the properties. The City Commission is requested to change the Land Use and Zoning classifications on the north property the MFG LLC property and establish a Land Use and Zoning designation on the other property, which is the First CZ Real Estate property. We are holding one Public Hearing for both properties, so we have two different petitions from two different owners for the same project. The first petition is for owner/petitioner Sara Case for MFG US, LLC. The location is SR 559 and William Van Fleet Road. The current City Future Land Use is Low Density Residential. The current City Zoning is Planned Development-Housing 1. The proposed Future Land Use is Neighborhood Activity Center. The proposed zoning classification is Commercial Highway. The current use is vacant on the 8.54 acres. In December 2005, the City placed a residential Future Land Use and zoning classification on approximately 182 acres for the project known as Lake Juliana Estates. This 8.5-acre parcel is a finger of that property that lies between the developed subdivision and SR 559 and lying south of William Van Fleet Road. The property is currently undeveloped with planted pine trees. As part of the Planned Development, this piece was planned for housing associated with the Lake Juliana subdivision. The requested Future Land Use of Neighborhood Activity Center and Zoning classification of Commercial Highway is consistent with Future Land Use and Zoning on adjacent properties to the north of William Van Fleet Road and along SR 559 to Interstate 4. The combination of a Neighborhood Activity Center land use and a Commercial Highway zoning typically allow for offices, convenience stores, service stations, drug stores, gas stations, supermarkets and other related commercial services. Changing the Land Use and Zoning designations would support the existing and anticipated residential population of the area and are consistent with the City of Auburndale's Comprehensive Plan, Land Development Regulations and the City of Auburndale and Polk County Joint Planning Area Agreement.

Community Development Director Amy Palmer said the second property is adjacent to the south of the MFG US LLC property and is known as the First CZ Real Estate, LLC property and it is being represented by Sara Case. The current Land Use is Polk County Residential Low-1 and the proposed future land use and zoning classifications are the same as what was presented for the last piece of property – Neighborhood Activity Center for Future Land Use and Commercial Highway for Zoning classification. The property is a vacant 9.73-acre piece of property. In November 2016, the City annexed approximately 9.73 acres into the Auburndale City Limits. This property contains two parcels that are located on SR 559 and William Van Fleet Road. Following the annexation in 2016, the property was never assigned a Land Use and Zoning designation. The two parcels currently have a Polk County Land Use designation of Residential Low-1. The requested Future Land Use of Neighborhood Activity Center and Zoning classification of Commercial Highway are consistent with requested classifications on the MFG US LLC property to the north, and properties to the north of William Van Fleet Road and along SR 559 to Interstate 4. The combination of a Neighborhood Activity Center Land Use and a Commercial Highway Zoning typically allow for offices, convenience stores, service stations, drug stores, gas stations, supermarkets and other related commercial services. Changing the Land Use and Zoning designations would support the existing and anticipated residential population of the area and are consistent with the City of Auburndale's Comprehensive Plan, Land Development Regulations, and the City of Auburndale and Polk County Joint Planning Area Agreement. She displayed the Future Land Use and Zoning Maps. She displayed the property on the map. She went over the Development Road Map and explained how a property gets from a development site to full development on the property. For the Commercial Highway zoning district, this is in the North Auburndale Overlay District, so those zoning standards that were adopted several years ago will be applied. The Planning Commission made a recommendation on Land Use and Zoning on January 7. On establishing and changing the Land Use designation to Neighborhood Activity Center on both properties, the Planning Commission voted 5-1 to approve. On establishing and changing the Zoning designation to Commercial Highway on both properties, the Planning Commission voted 6-0 "to ask the developer to go back to staff and do this as a Commercial Planned Development". Staff recommended approval of the proposed Future Land Use of Neighborhood Activity Center and the Zoning designation of Commercial Highway for both the MFG US LLC and the First CZ Real Estate properties. She said Sara Case is available, if there are any questions.

City Manager Green said the proposed ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved

on first reading on January 21, 2020, and are being presented for second and final reading. He said our Land Development Regulations suggest that if the recommendation of the Planning Commission is adverse to any proposed change, such change shall not become effective except by the affirmative vote of four members of the City Commission. Given the Planning Commission recommendation asking the developer to resubmit the proposed change as a Commercial Planned Development, which is adverse to the proposed Commercial Highway zoning requested by the property owner, the City Attorney has suggested the above requirement would apply – requiring an affirmative vote of four members of the City Commission. The Ordinance amends the Future Land Use on the MFG properties and changes the property from the Low Density residential Land Use to Neighborhood Activity Center.

City Attorney Kee read Ordinance No. 1629, which was presented and passed on first reading on January 21, 2020, by title only.

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

**Motion** by Commissioner Richard Hamann, seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1629, as read on second and final reading, by title only.

Commissioner Jack Myers said he had a conflict of interest and will be filing Form 8B Memorandum of Voting Conflict related to all four Ordinances. He said he had financial gain and would be abstaining from the votes.

Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

## **2. ORDINANCE #1630 AMEND OFFICIAL ZONING MAP – MFG US PROPERTY**

City Manager Green now that the Future Land Use has been designated as Neighborhood Activity Center on the MFG property this Ordinance changes the zoning to Commercial Highway.

City Attorney Kee read Ordinance No. 1630, which was presented and passed on first reading on January 21, 2020, by title only.

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

**Motion** by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1630, as read on second and final reading, by title only. Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

## **3. ORDINANCE #1631 AMEND FUTURE LAND USE MAP – FIRST CZ REAL ESTATE PROPERTY**

City Manager Green said when this property was annexed into the City on November 16, it was known as the Richardson property for the grove and the single family home that sat on the property. We are actually establishing zoning for this property. The Ordinance establishes the Future Land Use on the First CZ Real Estate property as Neighborhood Activity Center.

City Attorney Kee read Ordinance No. 1631, which was presented and passed on first reading on January 21, 2020, by title only.

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

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

Ordinance No. 1631, as read on second and final reading, by title only. Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

#### **4. ORDINANCE #1632 AMEND OFFICIAL ZONING MAP – FIRST CZ REAL ESTATE PROPERTY**

City Manager Green said now that the Future Land Use has been established as Neighborhood Activity Center, this Ordinance establishes the Zoning as Commercial Highway on the property.

City Attorney Kee read Ordinance No. 1632, which was presented and passed on first reading on January 21, 2020, by title only.

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

**Motion** by Commissioner Keith Cowie, seconded by Commissioner Richard Hamann, to approve Ordinance No. 1632, as read on second and final reading, by title only. Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict, which is attached to the minutes.

#### **5. UPDATE ON 2019 BOND FINANCING PROJECTS**

City Manager Green said on June 3, 2019, City staff proposed advancing several capital projects while utilizing bond financing to complete the necessary improvements. Subsequently, the City Commission approved Resolution 2019-04 establishing the City's intent to secure the financing. On August 19, 2019, the City Commission approved Resolution 2019-08 securing \$9,440,267 from the proceeds of the 2019 Florida Municipal Loan Council Revenue Bonds. The Bond was worked through the Florida League of Cities. On October 21, 2019, staff gave an update of the various projects funded by the Bond Issue. He went over the status of the various projects.

- Reimbursement of \$400,000 for completion of the purchase of the Fire Ladder Truck. The truck is in service and the funds have been received.
- Public Safety Roof Repairs with a budget \$125,000 for both the Police Department and the Fire Department. We have completed both roofs at a cost of \$109,450. We used a local contractor for the roof work.
- Public Safety Radios with a budget of \$469,000. To date we have expended \$423,460 for new radios for the Police Department and Fire Department. The radios have been delivered and we are waiting on installation and programming of some of the radios. Completion will be soon.
- Lake Myrtle Mobile Home for security had a budget of \$120,000. Several months ago, we awarded to bid to Prestige Mobile Home. The home has been delivered and set up on the lot at an expense of \$99,655. The balance of those funds will be spent on wrapping of the mobile home and decking and steps.
- Trail Extension from Denton Avenue to Berkley Road with a budget of \$266,000. He displayed a picture of the project. The trail will be like a new road being built with the foundation and paving. It will connect Berkley Road to Denton Road. The Auburndale Trail from Denton Road to Braddock Road was recently resurfaced. This trail extension will allow you to go from Berkley Road to Groveland. He said the project would be finished shortly.
- Side-Load Garbage Truck with a budget of \$295,000 has been ordered. The expected delivery is April 2020.
- Street Resurfacing with a budget of \$500,000 will start March 1 and is expected to be completed by April 30. He displayed the street resurfacing completed in last year's budget and the proposed streets for the current resurfacing.
- Racquetball Court Relocation with a budget of \$150,000. The project start date is March 1 and completion is scheduled for June. The court design will require users to come into the Pro Shop to check in for rental of the facility. It will allow the City to have more control and security. There will be demolition of the existing building.

- Lake Myrtle Youth Baseball with a budget of \$6.3 million. We are constructing three youth size fields. One will be a senior league field and one a t-ball field for special needs. The Commission awarded the contract to Miller Construction. They are on site and we are turning dirt at that facility now. The expected completion is the end of August. We may have a Commission Day ribbon cutting in August.
- City Hall improvements with a budget of \$580,000. These improvements will not start until after October. Improvements include relocating our Commission Room downstairs for accessibility and relocating offices from across the street into the upstairs of City Hall.

City Manager Green said the Directors that oversee these projects are present, if there were any questions on the projects. The Bond financing was through the Florida Municipal Loan Council, which is a program of Florida League of Cities.

Mayor Tim Pospichal asked what the plans were for the area where the old racquetball were located.

City Manager Green said some have asked for an expansion of the skate park facility. He asked Public Works Director John Dickson to provide information on the Lake Shore Lift Station and the Bridgers Avenue Project.

Public Works Director John Dickson updated the Commission on the Bridgers Avenue stormwater project. He displayed the location of the project on the map. The project consists of running a new pipe along the north side of road, a new head wall, a couple of small retention ponds, and a reconfigured intersection. Currently there are no stormwater inlets along the roadway and we will have four when the project is complete. He said the pipe under the road was deteriorated. He went over the project timelines and said it should be completed by mid-March. He said the big improvement is the pipe that is a progressive size up to 38 inches. He said they are looking forward to the completion, as they thought it would be a huge improvement for flooding in the area.

City Manager Green said presently we have no inlets for the stormwater. He said the County has purchased property for a large retention pond and we look forward to the improvements.

Public Works Director John Dickson said the largest amount of stormwater will be diverted to the retention pond.

City Manager Green said the project was very complimentary to the PK Avenue Stormwater Improvement.

Public Works Director John Dickson displayed a picture of the Lakeshore Lift station area. He said most of the work has been to move the force main out from under asphalt for access and maintenance. He said in the future emergency needs; we will now have an 8-inch bypass. He said we ran into some communication cable and the contractor has taken care of these. He said it was a 24-hour road closure and a very smooth detour operation. We have an emergency generator at the site, which is in the Budget. We will fence the area with a vinyl chain link fence and put in landscaping. He displayed a picture of the proposed lift station. He said it will be much safer than the old lift station and easier for maintenance and repairs. For scheduling, the pumps are six weeks out for delivery. There will not be much work on the site for a month and we will be removing the barricades and dressing up the site.

City Manager Green said this eliminates the confined space issue with having to go down into the manhole for repairs. This is actually the first major rehab of that lift station in 50 plus years. We are pleased we caught things before it got bad. It was in our Capital Improvements Program and we just moved it up a couple of years.

Commissioner Richard Hamann asked if the electrical systems and everything would all be above ground.

Public Works Director John Dickson said yes, there would be float controls in the well.

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City Manager Green said we are getting the generator through a FEMA grant and are pleased with that also.

Meeting adjourned at 7: 42 p.m.

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

Shirley A. Lowrance, Finance Director City Clerk

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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**

I, JACK R MYERS, hereby disclose that on 2/3/2020, 20     :

(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, \_\_\_\_\_ ;
- 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:

*ORDINANCES # 1629, 1630, 1631 & 1632. I Am to receive A Real Estate Commission on the sale of the LAND before the City Commission for request of LAND use & ZONING Change.*

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.

2/3/2020

Date Filed

*Jack R Myers*  
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.