



City of Auburndale

AUBURNDALE, FLORIDA 33823

Office of the City Manager

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CITY COMMISSION MEETING
August 3, 2020 – 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Tim Pospichal

INVOCATION – Pastor Bob Bauer, Orange Street Church of Christ

PLEDGE OF ALLEGIANCE – Mayor Tim Pospichal

ROLL CALL – City Clerk Shirley Lowrance

APPROVE COMMISSION MINUTES – Regular Meeting – 07/20/2020

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. ORDINANCE #1638 AMENDING OFFICIAL ZONING MAP – WATSON PROPERTY
2. ORDINANCE #1640 RESTATING GENERAL EMPLOYEE PENSION PLAN
3. RESOLUTION #2020-06 AMENDING CHARGES FOR BUILDING/CONSTRUCTION SERVICES
4. DRAINAGE EASEMENT WITH POLK COUNTY FOR STORMWATER PROJECT – KRISTINA COURT
5. CONSIDER PURCHASE OF 108 PARK STREET LOCATED ADJACENT TO CITY HALL
6. REQUEST FOR PROPOSALS – CITY ATTORNEY POSITION
7. CONSIDER COUNTY PROPOSAL TO PIGGYBACK PAVING PROJECT – CLAYTON ROAD AREA
8. AMENDMENT TO REVISED USA WATERSKI AND WAKE FOUNDATION LEASE AGREEMENT
9. PRESENTATION OF FY 2021 AND FY 2022 ANNUAL BUDGETS

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
August 3, 2020**

AGENDA ITEM 1: ORDINANCE #1638 ZONING MAP AMENDMENT - WATSON PROPERTY

___ INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a Zoning Map Amendment.

ATTACHMENTS:

. Proposed Ordinance #1638 Amending Official Zoning Map and Binding Site Plan

ANALYSIS: The City has received a request to rezone the following property:

<i>Owner/Petitioner:</i>	David Watson
<i>Location:</i>	Denton Avenue and Lake Ariana Blvd.
<i>Current Future Land Use:</i>	Low Density Residential
<i>Current City Zoning:</i>	Single Family Residential-2 (RS-2)
<i>Proposed Zoning Classification:</i>	Planned Development – Housing 2 (PD-H2)
<i>Current use:</i>	Vacant (12.17 +/- acres)

The City has received a request from Mr. David Watson for a zoning map amendment on 12.17+/- acres having access off Denton Avenue. The proposed change is from *Single Family Residential-2 (RS-2)* to ***Planned Development-Housing 2 (PD-H2)***. As required by the Land Development Regulations (LDR's) for Planned Developments, this request is accompanied by a binding site plan. The request will allow the applicant to construct Phase 2 of Lakeside Estates subdivision consisting of 41 single-family residential lots.

The proposed amendment allows for minimum lot sizes of 8,775 sq. ft. and average lot widths of 65 feet. Proposed lot setbacks are 25' front, 7' side and 10' rear. These minimums are consistent with surrounding residential development, as well as within the neighboring subdivision Lakeside Estates Phase I. The proposed Planned Development Housing-2 zoning is consistent with the City's Comprehensive Plan and Land Development Regulations. The main access to the subdivision will be from Denton Avenue, with access also provided through Lakeside Estates Phase I off Lake Ariana Boulevard.

At their meeting on July 7, the Planning Commission recommended that the development include a landscape buffer on the west border, which is adjacent to property zoned Neighborhood Commercial. The Planning Commission also made a recommendation that if the Denton Avenue access for the subdivision will be utilized by the adjacent Neighborhood Commercial zoning district sometime in the future, that the subdivision contain a gate which would separate residents accessing the subdivision from the commercial traffic.

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 July 20, 2020 and is being presented for second and final reading.

PLANNING COMMISSION RECOMMENDATION: Approve the Map Amendment and binding site plan with the changes addressing compatibility with the adjacent commercial property – 07-07-2020 (4-0).

STAFF RECOMMENDATION: Approval of the Zoning Map Amendment.

**City Commission Meeting
August 3, 2020**

AGENDA ITEM 2: ORDINANCE #1640 RESTATING GENERAL EMPLOYEE PENSION PLAN

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider an Ordinance restating the General Employee Pension Plan.

ATTACHMENTS:

- . Letter from Plan Attorney Scott Christiansen – 07/23/2020
- . Actuarial Letter from Plan Actuaries Foster & Foster – 07/24/2020
- . Proposed Ordinance #1640 Restating General Employee Pension Plan

ANALYSIS: The proposed Ordinance #1640 restates the City's General Employee Pension Plan to reflect relevant changes required by the Internal Revenue Code. The adoption of the changes provided in the restatement do not have an impact on the City's funding of the Plan. The benefits provided in the restatement are the same as in the current plan, including normal, early and late retirement, disability and pre-retirement benefits, vesting eligibility and the employee contribution rate. Other changes are intended to broaden the permissible investment restrictions, provide for a buy-back provision, and make the General Employee plan more similar to the Police and Fire pension plans. The proposed Ordinance would take effect October 1, 2020.

Recent changes in the Internal Revenue Code require changes be made to the current plan in regards to allowing retirees to draw a benefit from the plan while continuing employment with the City. Currently, the City requires employees that attain normal retirement age and continue working with the City to defer that pension compensation into the City's ICMA 457 Plan until they terminate employment. Similar to the Police and Fire plans, these employees will now be required to enter into a Deferred Retirement Option Plan (DROP) to avoid an early distribution tax or penalty. While in the DROP, the employee can elect to receive a return on their account equal to the plan's net investment return or a flat 3.0%. Individual meetings have been scheduled with affected employees to explain the change.

The proposed Ordinance and Restated Plan were prepared by the General Employee Pension Plan Attorney Scott Christiansen, and reviewed by the City Clerk, City Manager and Acting City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on August 17, 2020.

GENERAL EMPLOYEES PENSION BOARD RECOMMENDATION: Approval of the Restated Plan – July 28, 2020 (5-0 with 2 absent).

STAFF RECOMMENDATION: Approval of Ordinance #1640 and the Restated Pension Plan.

City Commission Meeting
August 3, 2020

AGENDA ITEM 3: RESOLUTION #2020-06 AMENDING FEES FOR BUILDING/CONSTRUCTION

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will consider a Resolution amending Chapter 10, Fees and Expenses, of the Administration and Procedures Manual.

ATTACHMENTS:

Resolution #2020-06 Amending the Administration and Procedures Manual

ANALYSIS: City Staff is proposing a Resolution amending Construction Related Fees found in Chapter 10 of the Administration and Procedures Manual. This fee schedule includes all building permitting fees and the building valuation rate, which is the cost per square foot figure used to assess a building permit fee. The City Commission adopted the current building valuation rate in February 2004 utilizing a combination of an International Code Council rate for single-family homes and the City's cost of living adjustment in place since the previous permit fee increase.

Staff is proposing to adopt the International Code Council's February 2020 Square Foot Construction Cost table, which is updated twice annually. This table is utilized by several neighboring jurisdictions to calculate building permit fees, and breaks down construction costs based on the type of use, ie a residential vs. assembly building, and the type of construction per the Florida Building Code. Rather than using one valuation for all types of buildings, the table provides a more accurate depiction of construction costs.

The Resolution shows several other changes that bring the City of Auburndale's building permit fees in line with neighboring jurisdictions', but still below their charges. The Building Permit Fee Multiplier is being reduced from \$5.55 per \$1,000 of building valuation to \$4.00 per \$1,000. The Minimum Permit Fee is being increased from \$30 to \$60. State Statute now allows a contractor to hire their own private inspector and requires the municipality to reduce the building permit fee. The City is proposing a 70% discount if a contractor chooses to use a private provider for plan review and inspections.

If adopted by the City Commission, the fees would go into effect on January 1, 2021, which will help builders in Auburndale budget for any increase they may experience.

STAFF RECOMMENDATION: Approval of Resolution #2020-06.

**City Commission Meeting
August 3, 2020**

**AGENDA ITEM 4: DRAINAGE EASEMENT WITH POLK COUNTY FOR STORMWATER PROJECT –
KRISTINA COURT**

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider granting an easement to Polk County for the purpose of constructing storm water improvements.

ATTACHMENTS:

- . Letter of Request from Polk County Roads and Drainage Director Jay Jarvis – 07/22/2020
- . Location Map
- . Proposed Drainage Easement

ANALYSIS: The City has received a request for a drainage easement on a parcel of property owned by the City of Auburndale. The property is located adjacent to the Auburndale Trail, and lies north of Braddock Road. The triangle parcel contains 5.88 acres, is undeveloped, and contains the City's Master Lift Station for the Regional Wastewater Treatment Facility.

The County and the City have for several years been working on solutions to stormwater drainage issues in the area of Berkley Road, north of the Lake Myrtle Sports Complex. To relieve flooding and drainage issues on Kristina Court (unincorporated Polk County), the County has proposed a retention pond be constructed on the City's property just south of the lift station.

The City's Public Utilities Department and Chastain Skillman, the City's consulting engineers, have reviewed the plans and see no negative impact on the City's property.

The proposed Drainage Easement was prepared by the Polk County Real Estate Services Division and reviewed the City Manager and Acting City Attorney.

STAFF RECOMMENDATION: Approval of the Drainage Easement with Polk County.

City Commission Meeting
August 3, 2020

AGENDA ITEM 5: CONSIDER PURCHASE OF 108 PARK STREET ADJACENT TO CITY HALL

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider the purchase of property adjacent to City Hall and located at 108 Park Street E.

ATTACHMENTS:

- . Contract for Sale and Purchase
- . Appraisal Report for 108 Park Street E.

ANALYSIS: As part of the City Hall renovations project, the City has researched several properties to relocate the Building/Construction Services offices currently located downstairs. This space would then accommodate a new and more accessible City Commission Room.

The property at 108 Park Street E. has become available due to the passing of Attorney V. Patton Kee. City Staff, including the building official, have determined the building to be adequate for their needs and would allow future expansion to accommodate the Planning and Community Development Department.

An appraisal was completed in July 2020 suggesting a fair market value of \$140,000 for the property. The appraisal researched five comparable sales during the past year, including three in downtown Auburndale and one that is adjacent to the property at 110 Park Street E. The sales comparison approach supports the suggested final value.

The City prepared a Contract for Sale and Purchase to present to the owner, Mrs. Deborah Kee, with an offer of the appraised amount. After consultation with her family, Mrs. Kee signed the Contract. The City Manager also signed the Contract, subject to approval by the City Commission.

Funding for the purchase is available from the 2019 Florida League of Cities Bond proceeds. \$580,000 was allocated for the City Hall renovation project.

STAFF RECOMMENDATION: Approve the purchase of the property at 108 Park Street E. in the amount of \$140,000.

**City Commission Meeting
August 3, 2020**

AGENDA ITEM 6: REQUEST FOR PROPOSALS – CITY ATTORNEY POSITION

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will consider and approve the process for filling the vacant City Attorney position.

ATTACHMENTS:

- . 1996 Advertisement (Request for Proposals)
- . Proposed Request for Proposals for City Attorney Position, includes Advertisement

ANALYSIS: The last time the City requested proposals for the services of a City Attorney was in 1996. At that time, the City Commission decided to advertise in the local market due to the length of time of necessary for a statewide search. The 1996 advertisement included a timeline for the process and selection of a City Attorney and requested written proposals that included qualifications, experience and a fee schedule. The timeline for the process covered a one (1) month period from advertisement to approval of a contract.

If it is the pleasure of the City Commission, using a similar timeline staff proposes the following dates for the process and selection of a City Attorney:

- August 6th – 12th – Advertisement of Request for Proposals in the Ledger
- August 18th at 12:00 P.M. – Proposals Due in City Manager’s Office
- August 24th at 11:00 A.M. – Special Meeting, if necessary, to Select Candidates for Interview
- August 31st at 6:30 P.M. – Special Meeting for Interviews and Possible Selection
- September 3rd at 7:00 P.M. – Regular Meeting for Selection and Contract Approval

The number of candidates to interview will need to be decided in addition to the timeline. Staff recommends interviewing three (3), no more than four (4) candidates, depending on the number of proposals received.

If approved, staff will proceed with advertisement and begin accepting proposals for the City Attorney position.

STAFF RECOMMENDATION: Approval of the suggested timeline and setting the limit of candidates to interview at three (3), no more than four (4) candidates.

City Commission Meeting
August 3, 2020

AGENDA ITEM 7: CONSIDER COUNTY PROPOSAL TO PIGGYBACK PAVING PROJECT

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a request from Polk County to piggyback Auburndale's resurfacing bid for work in the area of Clayton Road.

ATTACHMENTS:

. Roadway Resurfacing Estimate – 07/28/2020

ANALYSIS: Over the years, the City and County have tried to coordinate resurfacing projects to allow a selected contractor by either party to capture an adjacent area while the work is being performed.

As an example, when the County contractor was resurfacing Keystone Road, the City requested the County to use the same contractor to resurface several of the side roads, under the City's responsibility.

The City is currently in the Lena Vista area, and recently completed resurfacing Seville Street, Illinois Avenue, Colonial Drive, and those portions of Deen Boulevard and Ariana Place within the City. The County has requested to use the same contractor to resurface Clayton Road, Herrick Street, James Street, Elmer Street, Herbert Street, Mason Avenue, Bishop Street, and those portions of Deen Boulevard and Ariana Place within the County.

The estimate from Hubbard Construction (City's Contractor) to perform the work for the County is \$221,028.44. The County has agreed to reimburse the City for all associated costs.

STAFF RECOMMENDATION: Approve the resurfacing estimate and invoicing the County for the associated work.

**City Commission Meeting
August 3, 2020**

AGENDA ITEM 8: AMENDMENT TO REVISED USA WATERSKI AND WAKE FOUNDATION LEASE

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider an amendment to the Revised Lease Agreement with the USA Waterski and Wake Foundation.

ATTACHMENTS:

. Proposed Revised Agreement between the City and USA Water Ski & Wake Sports Foundation

ANALYSIS: The City Commission on July 20, 2020 approved a Revised Agreement between the City and USA Water Ski & Wake Sports Foundation. One of the notable changes was that the term of the Lease was reduced from fifty (50) years to twenty (20) years.

Following Commission action, the City received a request from the Foundation to reinstate the fifty years as provided for in the Original Lease. The Foundation currently has an arrangement with the operator of the cable ski park that is based on the fifty-year term.

For clarification, the Revised Lease will be restated to reflect a (50) year term from the effective date of the Original Agreement dated August 15, 2016, or through August 15, 2066.

STAFF RECOMMENDATION: Approve restating the Lease Agreement with the USA Water Ski and Wake Foundation to include the fifty (50) year term.

City Commission Meeting
August 3, 2020

AGENDA ITEM 9: PRESENTATION OF FY 2021 AND FY 2022 ANNUAL BUDGETS

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Manager will present to the City Commission the proposed Annual Budgets for the Fiscal Year ending September 30, 2021 and for the Fiscal Year Ending September 30, 2022.

ATTACHMENTS:

Proposed FY 2021 Budget and Planned FY 2022 Budget
(To be passed out at Commission Meeting)

Note: If necessary, the City Commission will have the opportunity to further discuss the proposed budgets during "Commission Day" activities on Monday, August 10, 2020 and at the Regular City Commission Meeting on August 17, 2020.

Public Hearings on the proposed budget and millage rate are scheduled for Thursday, September 3, 2020 and Tuesday, September 15, 2020.

The proposed FY 2021 and FY 2022 Annual Budgets are also posted on the City's website at www.auburndalefl.com.