

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held July 6, 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, and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present and the Meeting was opened with prayer by Pastor Jerry Smith of Berea Baptist Church and a salute to the flag.

Motion by Commissioner Jack Myers, seconded by Dorothea Taylor Bogert, to approve the Minutes of the Regular Meeting June 15, 2020. Upon vote, all ayes.

City Manager Green asked Schneider Edouard, who works at the Tennis Facility as Extra Help, to join him. He said Schneider made a promotional video to be used in social media to announce we are open and invite people back to the Facility. The video was shown. He said we appreciate the video and job you do with the Tennis Facility.

Public Works Director John Dickson said he had a couple of employees here tonight to receive their Longevity plaques. Brian Morse was promoted to Plant Operations Superintendent in 2016 and started with us as an operator trainee at the Wastewater Plant. He is attending Polk State to continue his education. He supervises all the Staff at the Plants – Allred Wastewater Plant, Regional Wastewater Plant, Berkley Road Water Plant, Winona Park Water Plant, and Atlantic Avenue Water Plant. He takes care of all the compliance for the Plants. He does a great job of ensuring the grounds look close to park-like. He said Pam Card started as an entry level employee in the Clerk’s Office and has learned everything about our Utility Billing Systems, not just one but several. She ensures the meter readings are input correctly and the bills go out on time. Last year she was promoted to Utility Billing Superintendent and is in charge of Utility Billing staff. She provides excellent customer service. Over the years she has probably ran across any situation imaginable. She handles customer service with excellence from the customer from biggest industries, like Coca Cola to the smaller user. She treats them all with respect and he could not be more pleased with her leadership in Utility Billing. She has been with the City for 30 years. Pam Card introduced staff and family present – Janeth Nazario and her husband, Jean Hill and her husband, Brandon Jenkins (son-in-law), Megan Jenkins (daughter), granddaughters Kinsey and Kiley, and Steve her husband.

Mayor Tim Pospichal asked for public comment.

Jocelyne Anderson, 113 Cotton Court, Auburndale, said Lakeland passed a mask mandate and she wanted to voice her feelings on the mask mandate. She said she did not know if it was going to be part of this meeting or not. She said she wanted to go on record as being against a City mandate for mask wearing. She said she was not against the mask wearing, just the mandate part. She said neither facts nor the science that she has been able to find prove the effectiveness of wearing masks to protect against viruses. She said there have been no studies that she could find that show mask wearing protects against virus. She said the box the masks come in say they do not. In a 60 Minute interview during the peak of the virus Dr. Anthony Fauchi stated “right now in the United States, people should not be walking around with masks. There is no reason to be walking around with masks, when you are in the middle of an outbreak. When you are in the middle of an outbreak, wearing a mask might make people feel a little better and it might even block a droplet, but it is not providing perfect protection that people think it is and often there are unintended consequences. People keep fiddling with the mask and keep touching their face. When you think masks, you should think health care providers, who need them and people who are ill”. The Health Cleveland Clinic.org states “cloth masks may not prevent you from inhaling any particles that carry the Corona virus”. The virus peaked back in April, so she does question why they are being considered for Polk County now. She said she feared we are under pressure from politics, media, and sometimes media fear mongering from certain outlets. She said she wanted to let her opinion be known and her wishes be known. She said she felt they were unconstitutional as well. She asked that they not be mandated for our City. She said she

wanted to thank the Commission for the meeting opening with prayer. She said it was wonderful to have a City Commission Meeting that opens with prayer and she appreciated that very much.

No other public comment.

1. CONFIRM THE CITY ATTORNEY'S DESIGNEE FOR LEGAL SERVICES

City Manager Green said the original Agreement for Legal Services between the City of Auburndale and Attorney V. Patton Kee dated November 5, 1996 has been periodically amended and renewed, with the latest Revised Agreement for Legal Services dated February 19, 2018. Section 1. Services (3) of the Revised Agreement For Legal Services reads in part, The Attorney or his/her designee will attend all regular meetings of the City Commission and such special meetings or workshops of the City Commission, which his attendance is requested. Due to his passing on June 30, 2020, this meeting will represent the first meeting in which Attorney Kee has missed since being named City Attorney in 1996. Per the Revised Agreement for Legal Services and prior to his passing, Attorney Kee on June 25, 2020 designated Attorney John Murphy with the firm Boswell and Dunlap, as his designee to attend any and all meetings in his absence. Attorney Murphy also represents the City of Winter Haven, City of Lake Alfred, and Town of Dundee. Attorney Kee requested this item be placed on the City Commission Agenda for concurrence, if it is the pleasure of the City Commission. We have tentatively scheduled an Agenda Item on August 3 for the City Commission to address legal services going forward. He said for this evening and through the month of July, Staff had no objections to the City Attorney's designation of Attorney John Murphy to act on his behalf.

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

Motion by Commissioner Keith Cowie, and seconded by Commissioner Richard Hamann, to confirm the City Attorney's designation of Attorney John Murphy for legal services.

Mayor Tim Pospichal said he would like to thank John Murphy for working with Attorney Pat Kee these past few months on Code Enforcement properties. We are now just waiting for the courts to open back up so we can move forward. He said Pat Kee thought very highly of John Murphy.

Upon vote, all ayes.

2. ORDINANCE NO. 1636 AMENDING FUTURE LAND USE MAP - FELICIANO PROPERTY

City Manager Green said the Feliciano Property consisting of 0.73 acres located on Havendale Blvd. and Avenue Z, NW and was annexed into the City Limits in May 2020. The property currently has a Polk County Future Land Use designation of Residential Medium. The requested City Future Land Use designation of Commercial Corridor and Zoning district of Commercial Highway is consistent with adjacent properties to the north and west with frontage along Havendale Blvd. The adjacent property to the east is unincorporated Residential Medium, but currently has a commercial use of an RV parts store. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale's Comprehensive Plan and Land Development Regulations. The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinances were adopted on first reading June 15, 2020 and are being presented for second and final reading. The Planning Commission recommended approval of both Map Amendments on June 2, 2020 with a 6-0 vote. He displayed the location of the property. Staff recommended approval of the Future Land Use.

Attorney John Murphy read Ordinance No. 1636, by title only.

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

Motion by Commissioner Richard Hamann, and seconded by Commissioner Dorothea Taylor Bogert, to

approve Ordinance No. 1636, as read by title only on second and final reading. Upon vote, all ayes.

3. ORDINANCE NO. 1637 AMENDING OFFICIAL ZONING MAP – FELICIANO PROPERTY

City Manager Green said now that the Land Use designation has been established as Commercial Corridor, Ordinance No. 1637 amends the Zoning Map to reflect Commercial Highway. Staff recommended approval of the Ordinance.

Attorney John Murphy read Ordinance No. 1637, by title only.

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

Motion by Commissioner Dorothea Taylor Bogert, and seconded by Commissioner Keith Cowie, to approve Ordinance No. 1637, as read by title only on second and final reading. Upon vote, all ayes.

4. INTERAGENCY AGREEMENT WITH SHERIFF'S OFFICE

City Manager Green said the City of Auburndale Police Department and Fire Department currently use a computer aided dispatch and records management system that allows for access to and sharing of state and national criminal justice information. Both, Police and Fire departments have previously entered into separate Interagency Information Sharing Agreements with the Polk County Sheriff's Office. These Agreements provide the guidelines, processes and restrictions needed to protect the integrity of the data system. The current Agreements executed by the chiefs of both departments in 2018 are not scheduled to expire until December 2022. The Proposed Interagency Agreement merges and supersedes the previous Agreements, combines the two previous Agreements, and names the City of Auburndale, for and on behalf of the Police Department and Fire Department, as party to the Interagency Agreement with the Sheriff's Office. The proposed Agreement also incorporates the Criminal Justice User Agreement between the Sheriff's Office and the Florida Department of Law Enforcement. This three-year Agreement will become effective October 1, 2020, and shall expire September 30, 2023. The proposed Interagency Agreement was prepared by the Office of Legal Affairs for the Polk County Sheriff's Office and reviewed by the Police Chief, Fire Chief, City Manager and City Attorney. Staff recommended approval of the Interagency Agreement with the Polk County Sheriff's Office.

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

Motion by Commissioner Keith Cowie, and seconded by Commissioner Dorothea Taylor Bogert, to approve the Interagency Agreement with the Polk County Sheriff's Office. Upon vote, all ayes.

5. MODIFICATION #3 TO THE INTERLOCAL AGREEMENT WITH SHERIFF- 9-1-1 FIRE/RESCUE DISPATCH SERVICES

City Manager Green said the City of Auburndale began outsourcing Police dispatch services to the Polk County Sheriff's Office in 2008 and Fire/Rescue dispatch services in 2010. In 2013, the City Commission approved an Interlocal Agreement, which consolidated two separate agreements into one. In 2017, the Interlocal Agreement was renewed for an additional four years through September 2021. The Interlocal Agreement provides for an annual 2% adjustment for Police dispatch services and adjustments to Fire/Rescue dispatch services based on the actual number of calls dispatched, with a 5% cap. The proposed Modification #3 to the Interlocal Agreement increases the cost for Fire/Rescue dispatch services in FY 2020-2021 to \$34,529.00, which represents a 5% increase. The City Commission on June 15, 2020 gave tentative approval on the proposed Expenditure Section of the FY 2021 and FY 2022 Budgets, which reflected this dollar amount. The proposed Modification has been reviewed by the Fire Chief, City Manager and City Attorney. Staff recommended approval of Modification #3 to the Interlocal Agreement with the Polk County Sheriff's Office for Fire/Rescue dispatching services for FY 2020-2021.

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

Motion by Commissioner Dorothea Taylor Bogert, seconded by Commissioner Keith Cowie, to approve Modification #3 to the Interlocal Agreement with the Polk County Sheriff’s Office for Fire/Rescue dispatching services for FY 2020-2021. Upon vote, all ayes.

City Manager Green said Agenda Item #4 and Agenda Item #5 were both signed previously by Attorney Kee. In talking with Attorney Murphy, he suggested in his representation with the other Cities in Polk County these are patterned identical to the other Cities he also represents.

6. PRESENTATION OF RACQUETBALL COURT BIDS

City Manager Green asked Parks and Recreation Director Cody McGhee to join him. He said in June 2019, the City Commission gave approval to advancing several capital projects in various departments utilizing bond financing. Funds were allocated for the replacement and construction of two new racquetball courts to be located at the Cindy Hummel Tennis Center. An invitation to bid was sent to eight contractors and advertised in the local media on Monday, June 8, 2020. The City received the following three bids:

Henkelman Construction, Inc., Lakeland	\$245,115.00
Springer Construction, Lakeland	\$245,943.00
A.O. Construction, Winter Haven	\$295,884.00

Henkelman Construction, Lakeland was the low bid in the amount of \$245,115. The bids were reviewed by the Parks and Recreation Director and City Manager’s Office. Henkelman has done several other construction projects in Polk County, including the Florida Youth Soccer Association Headquarters building at the Lake Myrtle Sports Complex. The Company received favorable responses from several reference checks.

Parks and Recreation Director Cody McGhee went over the placement of the proposed racquetball courts on the property near the Tennis Facility. The building will have false windows and the roof material will be similar to the roof at the Historic Depot.

City Manager Green said we wanted to spruce the building up some. He said many of us may remember years ago going to the Tennis Courts to get keys for the Racquetball courts. With the placement of the courts at the Tennis Facility, we will reinstate this check in and check out system for use of the Racquetball courts. He thanked Parks and Recreation Director Cody McGhee and his staff in looking at the building for how we could spruce it up and working with the architect. Staff recommended to award the bid to the low bidder.

Motion by Commissioner Jack Myers, seconded by Commissioner Dorothea Taylor Bogert, to award the bid to Henkelman Construction, Inc, of Lakeland in the amount of \$245,115 to construct two racquetball courts at the Cindy Hummel Tennis Center.

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

Mayor Tim Pospichal asked for target date for completion.

Parks and Recreation Director Cody McGhee said completion should be prior to the fiscal year end. After tonight, we will get a set date for the start.

Commissioner Jack Myers said two of the bids were so close. He said he called A.O. Construction to ask if they were bidding something different and to make sure it was apples to apples. He said they confirmed their bid and said their plate was full now. He said it goes to shows when someone needs the work and when someone does not – the difference in the price you get.

Upon vote, all ayes.

Mayor Tim Pospichal thanked both Pam Card and Brian Morse for their years of service to the City.

Meeting adjourned at 7:31 p.m.

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

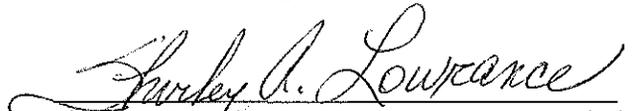
Shirley A. Lowrance, Finance Director/City Clerk

Upon vote, all ayes.

Mayor Tim Pospichal thanked both Pam Card and Brian Morse for their years of service to the City.

Meeting adjourned at 7:31 p.m.

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


Shirley A. Lowrance, Finance Director/City Clerk