



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

P.O. Box 186
(863) 965-5530
Email: cmo@auburndalefl.com

CITY COMMISSION MEETING
Thursday September 3, 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 – 08/17/2020
Special Meeting – 08/24/2020

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. ORDINANCE #1641 AMENDING FUTURE LAND USE MAP – CONE ROAD
2. ORDINANCE #1642 AMENDING OFFICIAL ZONING MAP – CONE ROAD
3. **PUBLIC HEARING** – FISCAL YEAR 2020 TAX MILLAGE LEVY AND ANNUAL BUDGET
4. ORDINANCE #1643 ADOPTING FY 2020 TAX MILLAGE LEVY
5. ORDINANCE #1644 ADOPTING FY 2020 & FY 2021 ANNUAL BUDGETS
6. PRELIMINARY PLAT APPROVAL – LAKE JULIANA SHOPPING CENTER
7. FINAL PLAT APPROVAL – LAKEFRONT ESTATES PHASE 1
8. APPROVE CONTRACT FOR LEGAL SERVICES WITH CITY ATTORNEY

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
September 3, 2020**

AGENDA ITEM 1: ORDINANCE #1641 AMENDING FUTURE LAND USE MAP – CONE RD

AGENDA ITEM 2: ORDINANCE #1642 AMENDING OFFICIAL ZONING MAP GAP – CONE RD

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a Large-Scale Future Land Use Map Amendment and Official Zoning Map Amendment.

ATTACHMENTS:

- . Proposed Ordinance #1641 Amending Future Land Use Map
- . Proposed Ordinance #1642 Amending Official Zoning Map

ANALYSIS: As a result of annexation, The City has received a request for a Large-Scale Future Land Use Map Amendment and a Zoning Map Amendment on following property:

Gapway Grove Corp. Property

Owner/Petitioner:	JSK Consultants on behalf of Gapway Grove Corp.
Location:	Cone Road and CR-559
Current Use:	Vacant (76.28 +/- total acres)
Current Polk County Future Land Use:	Residential Low-1 (RL-1) (76.28 acres)
Proposed City Future Land Use:	Low Density Residential - GS (72.03 acres) Conservation/Wetlands – GS (4.25 acres)
Proposed City Zoning:	Single Family Residential-1, RS-1 (72.03 acres) Open Use Agricultural, OUA (4.25 acres)

The Gapway Grove Corporation property consists of 76.28 acres located between Cone Road/CR-559 and Lake Mattie. The applicant has requested a Future Land Use of Low Density Residential that would accommodate a single-family residential development. Because the property is located in the Green Swamp and larger than 10 acres, the City Commission held a Transmittal Public Hearing on May 18, 2020 to send the proposed Future Land Use Map amendment to the State for a full compliance review.

The State responded with no objections to the map amendment and two comments: (1) that the wetlands on the property be identified on the Future Land Use Map, and (2) that any references to an outdated Florida Administrative Code 9J-5 be removed from any analysis the City sends to the State. Both comments have been addressed. The map amendment would be adopted with the changes and include identification of the wetlands on the Future Land Use Map.

The requested Future Land Use of ***Low Density Residential-GS*** and ***Conservation/Wetlands-GS*** are consistent with the City's Comprehensive Plan, Joint Planning Agreement with Polk County, and with surrounding development.

The requested Zoning of ***Single Family Residential 1 (RS-1)*** and ***Open Use Agricultural (OUA)*** are also consistent with the requested Future Land Use categories, the City's Comprehensive Plan, Joint Planning Agreement with Polk County, and with surrounding development.

The Proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and Acting City Attorney. The proposed Ordinances were approved on first reading August 17, 2020 and are being presented for second and final reading.

PLANNING COMMISSION RECOMMENDATION: Approval of the Future Land Use and Zoning Map Amendments (5-0) - 05/05/2020.

STAFF RECOMMENDATION: Approval of the Ordinances.

**City Commission Meeting
September 3, 2020**

AGENDA ITEM 3: PUBLIC HEARING – FY 2020-2021 TAX MILLAGE LEVY & ANNUAL BUDGET

AGENDA ITEM 4: ORDINANCE #1643 ADOPTING FY 2020 TAX MILLAGE LEVY

AGENDA ITEM 5: ORDINANCE #1644 ADOPTING FY 2021 & FY 2022 ANNUAL BUDGETS

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on the proposed millage rate and tentative FY 2021 and FY 2022 Annual Budgets.

ATTACHMENTS:

- . Proposed Contingency Changes - FY 2020/2021 and FY 2021/2022
- . Adjusted Fund Totals - FY 2020/2021 and FY 2021/2022
- . Proposed Ordinance #1643 Adopting Tax Millage Rate
- . Proposed Ordinance #1644 Adopting FY 2021 & FY 2022 Budgets and Five-Year Capital Improvement Program (CIP)

ANALYSIS: The Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage. This Public Hearing is the first of two (2) required Public Hearings with the second scheduled for September 15, 2020.

The proposed Budget for FY 2021 is balanced with Total Revenue and Total Expenditures of \$41,447,287. General Fund expenditures total \$23,448,700 and Utility Fund expenditures total \$12,923,721. An interfund transfer of \$3,543,704 is necessary to balance both General and Utility Funds. The proposed FY 2021 Budget includes Capital Improvements of \$6,168,625 and a Contingency Reserve of \$98,921. The Proposed FY 2021 and 2022 Budgets includes all changes made during the Regular City Commission meetings of May 4, 2020 (Payroll), May 18, 2020 (Capital Outlay), June 15, 2020 (Expenditures), and July 20, 2020 (Revenues). City Staff will present changes and adjusted Contingency figures.

Revenues from ad-valorem taxes for FY 2021 and FY 2022 are estimated at \$5,490,000 and based upon the operating millage rate of 4.2515.

The FY 2021 Budget also includes the proposed Five-Year Schedule of Capital Improvements (CIP) for the City's Public Safety, Parks and Recreation and Public Works Departments. This schedule, which is a requirement of the City's Comprehensive Plan, assists the City Commission in prioritizing future capital needs throughout the City and is updated annually during the budget process to include a "new fifth year".

A balanced FY 2022 Budget (2nd Year Budget) is also being presented for the Commission's conceptual approval. The FY 2022 Budget will be reviewed by City Staff and the City Commission during the next Budget update process in order to accommodate needs that have arisen since the

planned budget was prepared.

Changes to the proposed Biennial Budget will be presented by staff during the Public Hearing and before Commission action.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on September 15, 2020.

STAFF RECOMMENDATION: Approve the proposed Ordinance establishing the tax millage levy and the proposed Ordinance adopting the FY 2021 and FY 2022 Annual Budgets.

**City Commission Meeting
September 3, 2020**

AGENDA ITEM 6: PRELIMINARY PLAT APPROVAL – LAKE JULIANA SHOPPING CENTER

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a preliminary plat for the Lake Juliana Shopping Center.

ATTACHMENTS:

- . Location Map
- . Preliminary Plat

ANALYSIS: The City has received a **preliminary** plat for the Lake Juliana Shopping Center located on William Van Fleet Road and CR 559. The property is zoned Commercial Highway and is proposed for a shopping center and several commercial outparcels. The property owner is proposing to subdivide the property to allow for the sale of the lots to the developer and dedication of utility easements to the public. The preliminary plat reflects a 15' utility easement along all rights of way that will be dedicated to the public, and additional right of way that has been dedicated to Polk County along William Van Fleet Road. Two outparcels would be created and one larger parcel for the shopping center.

The Lake Juliana Shopping Center plat is considered a "small lot subdivision" – where 4 or less lots front on existing public streets and are already served by existing public services. For this reason, a final plat can be approved before construction of the site and any public utilities or streets installed. The property owner is required to submit a preliminary sketch plat for review by city staff and the City Commission for approval, approval with conditions, or disapproval. Approval of the preliminary plat for the "small lot subdivision" allows the property owner to proceed with final plat approval. Construction documents and construction of the site would proceed following final plat approval.

Final plat approval will come back to the City Commission at a later date.

STAFF RECOMMENDATION: Approval of the Preliminary Plat for the Lake Juliana Shopping Center.

**City Commission Meeting
September 3, 2020**

AGENDA ITEM 7: FINAL PLAT APPROVAL – LAKESIDE PARK ESTATES

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will consider a final plat for Lakeside Park Estates

ATTACHMENTS:

- . Location Map
- . Final Plat

ANALYSIS: The City has received a **final** plat for the Lakeside Park Estates (Phase 1) subdivision located on Lake Ariana Blvd, south of Denton Road. The property has a zoning of Single Family Residential 3 (RS-3) and contains 38 single-family lots. The development meets all Land Development Regulations including lot size, setbacks, and sidewalk requirements. All improvements to the subdivision have been constructed and installed according to the Land Development Regulations and have been certified complete. All streets, sidewalks, retention and drainage areas will be dedicated and maintained by the Homeowner's Association.

Approval of the Final Plat allows the developer to sell the lots and begin building houses.

STAFF RECOMMENDATION: Approval of the Final Plat for the Lakeside Park Estates subdivision.

**City Commission Meeting
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AGENDA ITEM 8: APPROVE CONTRACT FOR LEGAL SERVICES WITH CITY ATTORNEY

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a Contract for Legal Services.

ATTACHMENTS:

- . Proposed Agreement for Legal Services – Boswell & Dunlap LLP
- . Revised Agreement for Legal Service – V. Patton Kee, 02/19/2018

ANALYSIS: On Monday August 31, 2020, the City Commission interviewed two (2) candidates for the City Attorney position. Following interviews, the City Commission unanimously approved hiring Boswell & Dunlap LLP of Bartow to provide legal services for the City of Auburndale and present a contract for the City Commission to consider.

The proposed Agreement for Legal Services was prepared by Attorney John Murphy and was patterned after the agreement with former City Attorney V. Patton Kee. It is similar in references to services, performance evaluation, special or substitute counsel, other terms and conditions of employment, notices, general provisions, and compensation including cost of living adjustments (COLA). COLA adjustments are based on the same percentage increase given to all other management employees of the City and consistent with the previous attorney's agreement.

The proposed Agreement for Legal Services designates Frederick J. "John" Murphy as the Principal Representative from Boswell & Dunlap with Warren A. "Drew" Crawford and Seth B. Claytor being Secondary Representatives to serve in the absence of Mr. Murphy. The Agreement includes a retainer fee of \$81,000 annually, an attorney hourly rate of \$170.00 per hour for litigation, and a paralegal rate of \$95.00 per hour consistent with Boswell & Dunlap's written proposal. The proposed retainer and fees are included in the FY 2020-2021 Budget.

The effective date of the Proposed Agreement for Legal Services is immediately upon Commission approval.

STAFF RECOMMENDATION: Staff has no objections to the proposed Agreement.