

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held September 15, 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 Jim Mitchell of First United Methodist Church and a salute to the flag.

Motion by Commissioner Jack Myers, seconded by Richard Hamann, to approve the Minutes of the Special Meeting August 31, 2020 and Regular Meeting September 3, 2020. Upon vote, all ayes.

City Manager Green said at the last Meeting the last item on the Agenda was to affirm the contract with the Acting City Attorney at that point and name John Murphy and his firm as our City attorney. We have not had an opportunity from the City Manager's Office to welcome John to the City family. He said he was proud of the role Assistant City Manager Jeff Tillman played in the selection process. We welcome John from the City Manager's Office, City Staff, and all the Directors. We look forward to working with him. We congratulate the Commission on the selection and congratulate John.

Fire Chief Brian Bradway read that every October the National Fallen Firefighter Foundation sponsors the National Fallen Firefighter Memorial Weekend, the official national tribute to fallen firefighters who died in the line of duty during the previous year. In 2017, the Foundation created "Light the Night" for fallen firefighters to recognize the 25th anniversary of the Foundation. The "Light the Night" period is from September 27 to October 4 for the fallen firefighters and their families. In 2018, "Light the Night" expanded to include Fire Department tributes. Fire Services nationwide are invited to light their facilities in red to honor the fallen. We have participated in this since 2018 and we lit the station up in red, the Grandma Firefighter Truck was lit, and we submitted pictures to the Foundation. This year we came to City Hall to ask for extension cords and the next day Mr. Green said Parks and Recreation was going to help us line the Main Street with red lights on September 27. We will light in red the palm trees, City Hall, Main Street, the clock tower and the Fire Station. He said upon exiting City Hall, the Commission will see a small sample of what it will look like as the top of City Hall will be lit and there is a tribute out front. He said he appreciated the support from the City on this.

City Manager Green said with the national stories coming out of California, Oregon, and Washington we most certainly honor our firefighters and thank them for the job they do.

Police Chief Andy Ray recognized Pat O'Neal, Code Compliance Officer, for 15 years of service. He began working as the Public Safety Aide. He has a gift for technical tasks and motorized equipment. He keeps our equipment that is not used daily running and checks the Police Department's generator ready, he has an ability to fix or do anything. He assists with serious traffic accidents, delivers equipment to scene and assists with mapping the scene. In April he was transferred to the Code Compliance Officer position. He has been recognized 26 times for his dedication and hard work. He has received the Division commendation and the Deputy Chief's commendation, Civilian member of the quarter multiple times, and Civilian member of year twice (2012 and 2013). He recognized Harry Anderson Detective for 20 years of service. He graduated from the Police Academy in July 2000 and began his career with the Police Department that same month. He was a founding member and 12-year member of the Special Enforcement Unit. He became a Senior Officer in April 2009, served as Patrol Corporal for five years, transferred to the Criminal Investigation Unit as a Detective in 2015. He is a member of the City's Public Safety Honor Guard. He has received the Chief's commendation and Deputy Chief's commendation. He is dedicated to the work and is a team player.

City Attorney Murphy said we have wonderful employees here. He said he appreciates the City Manager's remarks and looks forward to continuing the good work that you do here.

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

1. PUBLIC HEARING – FISCAL YEAR 2020 TAX MILLAGE LEVY AND ANNUAL BUDGET

Mayor Tim Pospichal closed the Regular Commission Meeting and opened the Public Hearing.

City Manager Green said the Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage. This Public Hearing is the second of two required Public Hearings with the first held on September 3, 2020. In August 2020, we presented to the Commission a balanced budget for Fiscal Year 20-21 and Fiscal Year 21-22. At that time, we presented a budget of \$44,990,991 that included a contingency of \$98,921. Since the last Meeting, we changed the contingency due to various payroll adjustments and retainer for legal services moved the contingency to \$104,748 for Fiscal Year 20-21. He went over the fund totals for the budget. The final budget will be placed on the website and bound for distribution. The total final budget was \$44,994,583. The Commission has seen the budget over the past few months, as we presented the Payroll section in May, Capital Outlay in May, Expenditures in June, and Revenue in July. The five funds for the Budget are the General Fund, Community Redevelopment Agency, General Fund Impact Fee Fund and the Utility Impact Fee Fund, and Water and Sewer. The revenue is balanced with the expenditures based upon the taxes we collect. The proposed millage rate is 4.2515 and is the same millage rate we have had in our last three budgets. It generates \$5,490,000 and is used to balance our budget. As you approve by Ordinance in second reading, the millage rate and the Ordinance adopting the budget you will also be approving the Five-Year Capital Improvement Plan. We are already looking at Capital Improvements for Fiscal Year 2024-2025. Each year as we do a two-year budget, we take the first two years of our CIP and program them into the Budget. We are one of a few cities that do a two-year budget process, we have done it for many years here in Auburndale. As the Commission adopts the 2020-2021 Budget you will also be adopting the 2021-2022 Budget. We will come back and start this whole process again in March and April and take a look at that second-year budget and make any changes necessary. He said it is also being presented to the Commission as a balanced second year budget. There are two Ordinances for adoption.

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

Mayor Tim Pospichal closed the Public Hearing and reopened the Regular Commission Meeting.

2. ORDINANCE #1643 ADOPTING FY 2020 TAX MILLAGE LEVY

City Manager Green said Ordinance No. 1643 establishes the tax millage levy based on existing millage rate we currently have.

City Attorney John Murphy read Ordinance No. 1643, which was presented and passed on first reading on September 3, 2020, by title only.

Motion by Commissioner Richard Hamann, and seconded by Commissioner Dorothea Taylor Bogert, to approve Ordinance No. 1643, as read on second and final reading. Upon vote, all ayes.

3. ORDINANCE NO. 1644 ADOPTING FY 2020 & FY 2021 ANNUAL BUDGET

City Manager Green said Ordinance No. 1644 adopts our budgets for the next two years. Staff recommends approval of the Ordinance.

City Attorney John Murphy read Ordinance No. 1644, which was presented and passed on first reading on September 3, 2020, by title only.

Motion by Commissioner Keith Cowie, and seconded by Commissioner Dorothea Taylor Bogert, to approve

Ordinance No. 1644, as read on second and final reading.

Commissioner Keith Cowie said he appreciates staff's work.

The Commissioners concurred.

Upon vote, all ayes.

City Manager Green said we will place the Budget on social media and on our website. He asked each of the Department Directors, Assistant City Manager and Deputy Finance Director to stand. He said it is this staff that pulls it all together and makes it work. He said if we do not have it, we do not spend it. He said it has been a good practice over the years. He thanked the team. He said as you give those compliments, it is this team that makes it all happen.

4. PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – WRIGHT PROPERTY/POLK STREET

Mayor Tim Pospichal closed the Regular Commission Meeting and opened the Public Hearing.

City Manager Green read the notice for the Public Hearing and said the purpose was to amend Ordinance No. 764, the City's Land Development Regulations, which contains our official Zoning Map.

Community Development Director Amy Palmer said the City has received a request to rezone property owned by Ms. Gracie Wright located at 201 and 203 W. Polk Street. The current future land use is Community Activity Center (CAC) and the current City zoning is General Residential-1 (RG-1). Ms. Wright is requesting the zoning classification of Residential, Institutional, Office (RIO) and it is currently a residential piece of property on 1.23 acres. The owner of 201 and 203 W. Polk Street, Ms. Gracie A. Wright has requested a zoning map amendment on 1.23 acres from General Residential-1 (RG-1) to Residential, Institutional, Office (RIO). The request will allow the applicant flexibility in future development of the property. The RIO Zoning District is intended for mixed residential, institutional, office, cultural, and compatible uses. The uses in the district are single family detached and two family (Duplex) residential, limited commercial activities such as financial institutions, general office uses, medical and dental clinics, small retail shops and personal service uses. The proposed RIO classification would be compatible to existing uses as well as adjacent zoning on properties to the north and west. The proposed zoning change is also consistent with the City's Comprehensive Plan, existing Future Land Use designation and Land Development Regulations. The Planning Commission recommended approval of the Zoning Amendment on September 1, 2020. Staff recommended approval of the Ordinance. She displayed the location of the property adjacent to the City's Tennis Courts. She displayed the zoning map. She went over the zoning process for the property. She said there has been no mention of redeveloping the property.

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

Mayor Tim Pospichal closed the Public Hearing and reopened the Regular Commission Meeting.

5. ORDINANCE #1645 AMENDING OFFICIAL ZONING MAP – WRIGHT PROPERTY /POLK STREET

City Manager Green said Ordinance No. 1645 amends the zoning map on the Wright Property at 201 and 203 W. Polk Street from its current City zoning of General Residential-1 (RG-1) to Residential, Institutional, Office (RIO). The request comes at the recommendation of the Planning Commission with a 4-0 vote from their meeting of September 1, 2020. Staff recommended approval of the Ordinance.

City Attorney John Murphy read Ordinance No. 1645 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE ZONING MAP RECLASSIFYING**

AN AUBURNDALE ZONING MAP CLASSIFICATION ON TWO PARCELS OF LAND TOTALING +/- 1.23 ACRES FROM CITY OF AUBURNDALE ZONING CLASSIFICATION GENERAL RESIDENTIAL-1 (RG-1) TO RESIDENTIAL, INSTITUTIONAL, OFFICE (RIO); AND PROVIDING AN EFFECTIVE DATE, (General Location: W. Polk Street and Green Street), by title only.

Motion by Commissioner Dorothea Taylor Bogert, and seconded by Commissioner Richard Hamann, to approve Ordinance No. 1645, as read by title only on first reading. Upon vote, all ayes.

City Manager Green said the second reading of the Ordinance will be on October 5, 2020.

6. FINAL PLAT APPROVAL – LAKE JULIANA SHOPPING CENTER

Community Development Director Amy Palmer said on September 3, 2020, the City approved a preliminary plat for the Lake Juliana Shopping Center located on William Van Fleet Road and County Road 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 a 15' utility easement along all rights-of-way that will be dedicated to the public. Additional right-of-way has been dedicated to Polk County along William Van Fleet Road and as indicated on the plat. According to the City's Land Development Regulations (LDRs), the Lake Juliana Shopping Center Plat is considered a "small lot subdivision" consisting of four or less lots. In addition, where four or less lots front on existing public streets and are already served by existing public services, the LDRs allow for an expedited platting process. The Lake Juliana Shopping Center consist of a large parcel for the shopping center and two outparcels. Approval of the preliminary plat for the "small lot subdivision" allows the property owner to proceed with final plat approval. The LDRs permit final plat approval before construction of the site when there is no public infrastructure needed on the site. Final plat approval allows the developer to proceed with construction documents, permitting, and construction of the site. Staff recommended approval of the Final Plat for the Lake Juliana Shopping Center. She displayed the location map for the property. She displayed the plat, consisting of three parcels. The existing property owner is retaining ownership of the corner lot as well as an out parcel toward the inside of the property. She said those are not included as part of the subdivision plat. She went over the process for the zoning on the plat. Staff recommendation was approval of the final plat for the Lake Juliana Shopping Center.

Commissioner Jack Myers said he will abstain from voting due to possible financial gain on the sale of the property and be filing the appropriate form, Form 8B Memorandum of Voting Conflict.

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 the final plat for Lake Juliana Shopping Center. Upon vote, all ayes with Commissioner Jack Myers abstaining and filing Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers, which is attached to the minutes.

7. APPROVE RESTATED AGREEMENT WITH POLK COUNTY FOR FLEET MAINTENANCE SERVICES

City Manager Green said in 2010, the City and County entered into a Memorandum of Understanding for fleet maintenance services. Subsequently, the Contract has been extended each year. The current contract expires September 30, 2020. Since entering into the Agreement, the County fleet maintenance staff continues to work out of the City's Public Works facility. The proposed Restated Agreement would extend contract services through September 30, 2021. The purpose of a "one-year" Agreement is to allow a year end assessment to determine actual inventory numbers going forward into the next budget year. At the end of each year, we do an inventory of the equipment they maintain. The Restated Agreement removes outdated terms and responsibilities, as set forth in the original Memorandum of Understanding. All other terms and conditions remain the same. Pricing has been adjusted to reflect the number of vehicles in the

current City fleet and is provided for in the proposed FY 2021 Budget. City Staff is very pleased with the quality of work and efficiency of the County's fleet maintenance staff. Staff recommended approval of the Restated Agreement with Polk County for Fleet Maintenance Services.

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

Motion by Commissioner Keith Cowie, seconded by Commissioner Jack Myers, to approve the Restated Agreement with Polk County for Fleet Maintenance Services. Upon vote, all ayes.

8. APPOINTMENTS TO POLICE AND FIRE PENSION BOARDS

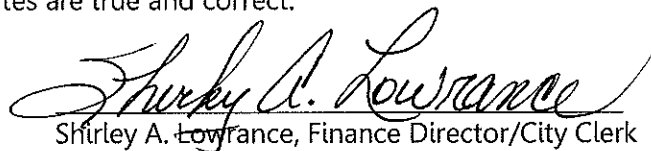
City Manager Green said this action by the Commission would appoint former City Commissioner and Mayor Ronnie Spears, as the resident member, and new member to the Police Pension Board through September 2024. Also, Police Chief Andy Ray would be reappointed as the fifth member through September 2024. On the Fire Pension Board, the Commission would be reappointing Fire Chief Brian Bradway as the resident member and reappointing Linda Walker as the fifth member through a term of September 2024. Staff had no objection to the appointments.

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 the appointments to the Police and Fire Pension Boards as presented. Upon vote, all ayes.

Meeting adjourned at 7:36 p.m.

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


Shirley A. Lowrance, Finance Director/City Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Myers JACK RICHARD	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Auburndale City Commission
MAILING ADDRESS 524 ARNESON AVE	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY Auburndale Polk	NAME OF POLITICAL SUBDIVISION: City Commission
DATE ON WHICH VOTE OCCURRED 9/15/2020	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

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 9/15/, 2020:

(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:

*FINAL Plat Approval - Lake JULIANA Shopping Center.
I Am to receive a Real Estate Commission on the sale of the LAND for the Shopping Center.*

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.

9/15/2020

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.