

## City Commission Meeting August 16, 2021

Minutes of the Regular Meeting of the City of Auburndale held August 16, 2021, 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, Jack Myers. Commissioner Richard Hamann was absent. Also, present were: City Manager Jeff Tillman, City Clerk/Special Projects Director Jeffrey Brown, City Attorney Frederick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Tim Pospichal declared a quorum present, and the Meeting was opened with prayer by Pastor Jimmy Petterec, First Missionary Baptist Church and a salute to the flag.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve the Minutes of the Workshop Meeting and approve the Minutes of the City Commission Meeting of August 2, 2021. Upon vote, all ayes.

City Manager Tillman stated the Polk County Health Department Covid-19 Testing site at Lake Arianna Park tested over 1400 individuals last week.

### 1. ORDINANCE #1669 AMENDING UTILITY USER RATES / 2021 RATE STUDY

In December 2020, the City Commission authorized Raftelis Financial Consultants, Inc. to conduct a comprehensive study of the City's utility user rates and utility impact fees. The last comprehensive review of the City's utility user rates was completed in 2016 and the last utility impact fee study was completed in 2005.

The 2021 Utility Rate and Impact Fee Study (2021 Study) completed by Raftelis provides a thorough review of projected water and wastewater revenues compared to the City's Two-Year Budget, Five-Year Capital Improvement Plan, Polk Regional Water Cooperative projects and expenses, operational expenses, transfers, estimated inflation, and debt service requirements. The proposed Ordinances adjust utility rates and impact fees based on the findings and recommendations of the 2021 Study.

City Manager Tillman shared the proposed rate changes.

<b>Recommended Rate Adjustments</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY2026</b>
Water Rates	4.0%	4.0%	4.0%	4.0%	4.0%
Sewer Rates	0.5%	0.5%	0.5%	0.5%	0.5%
<b>Combines Bill Effective Rate Change</b>					
Typical 6,000 gal Residential Inside Bill % Change	1.4%	1.5%	1.5%	1.5%	1.6%

City Manager Tillman then discussed the utility impact fees.

#### Existing and Calculated Impact Fees

	Existing	Calculated	Variance
Water	\$1,264.99	\$2,192.00	\$927.01
Wastewater	\$3,939.14	\$4,258.00	\$319.86
Total	\$5,203.13	\$6,475.00	\$1,271.87

City Manager Tillman stated if an application for a permit is received by November 30, 2021, those applications would be subject to the current impact fee rates not the new rates.

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Ordinance #1669 implementing the proposed water and wastewater rate structure has an effective date of October 1, 2021, and Ordinance #1670 implementing the proposed water and wastewater impact fee structure has an effective date of December 1, 2021. This will allow any development currently in the works to take advantage of the current rates.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager, Public Utilities Director, and City Attorney.

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1669, which was presented and passed on first reading on August 2, 2021, by title only.

The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

**Motion** by Commissioner Cowie, seconded by Commissioner Taylor Bogert, to approve Ordinance #1669. Upon vote, all ayes.

### **2. ORDINANCE #1670 AMENDING UTILITY IMPACT FEES / 2021 RATE STUDY**

City Attorney Frederick J. Murphy, Jr. read Ordinance No. 1670, which was presented and passed on first reading on August 2, 2021, by title only.

The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve Ordinance #1670. Upon vote, all ayes.

### **3. PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – POULTRY**

Mayor Pospichal closed the regular meeting of the City Commission and opened into a public hearing to consider an amendment to the Land Development Regulations – Poultry.

Community Development Director Julie Fife stated on February 1, 2021, Mr. John Bennett of 209 Noxon Street requested to appear before the City Commission to ask consideration of relaxing the City Code to allow for chickens in residential zoning districts. After consideration of Mr. Bennett's request, the City Commission instructed staff to research the regulations of other municipalities and at a later date present the information before the City Commission for further consideration. Currently, in all Zoning Classifications of the City, chickens are prohibited.

On June 21, 2021, City staff presented Land Development Regulations of the various jurisdictions and standards regarding chickens before the City Commission. Research showed that Auburndale, Haines City and Lake Alfred prohibit fowl. Lakeland, Lake Wales, Polk County, and Winter Haven allow for chickens, however, with restrictions. Winter Haven and Lake Wales require a coup and Lakeland also requires a fenced in area. After discussion, the City Commission approved staff to present the research and a proposed text amendment to the Planning Commission for their recommendation.

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City Staff presented the findings of the research and the proposed text amendments regarding Poultry in the Land Development Regulations to the Planning Commission, on August 3, 2021, which recommended denial of the ordinance change.

The Proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on September 9, 2021.

City Manager Tillman told the City Commission due to the recommendation of denial by the Planning Commission a super majority vote by the City Commission would be needed for approval.

The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

The Mayor closed the public hearing and reopened the regular City Commission meeting.

### **4. ORDINANCE #1671 AMENDING LAND DEVELOPMENT REGULATIONS – POULTRY**

City Attorney Murphy read Ordinance #1671 **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING CHAPTER 04 DEFINITIONS TO INCLUDE POULTRY, AND AMENDING THE TEXT OF CHAPTER 05, ZONING, DETAILING WHERE POULTRY ARE PERMITTED, PERMITTED BY SPECIAL EXCEPTIONS, AND PROHIBITED; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Taylor Bogert and Commissioner Cowie asked Community Development Director Fife if she had any idea of potential costs to implement this amendment in particular code enforcement costs.

Community Development Director Fife did not have any idea and the other cities did not have the information.

Commissioner Taylor Bogert asked how long have the other cities allowed chickens?

Community Development Director Fife stated Winter Haven and Lake Wales passed ordinances within the last year and Lakeland the last two years. The ordinances in those cities were a way to compromise with existing chicken owners in those cities.

Commissioner Taylor Bogert stated she would be interested to see the impact to the other cities in the county which allow for chickens. She further asked how many citizens have asked for this amendment?

City Manager Tillman responded two.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve Ordinance #1671. A roll vote was requested by Mayor Pospichal. Commissioner Myers – Nay, Commissioner Cowie - Nay, Commissioner Taylor Bogert – Nay, Mayor Pospichal – Nay. The motion was defeated by a 4-0 vote.

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**5. INTERLOCAL AGREEMENT WITH POLK COUNTY – LAKE MYRTLE SOCCER STADIUM**

The Polk County Tourist Development Council has recommended to the Board of County Commissioners spending four million tourist tax dollars (\$4,000,000) for the construction of a soccer stadium at the Lake Myrtle Sports Complex. The soccer stadium will allow the City and County to attract larger events that require the amenities of a stadium such as the Florida High School Athletic Association's Boys and Girls Soccer State Championships, the Boys and Girls Lacrosse State Championships, the Pan American Lacrosse Association's World Qualifying events, the Florida Tropics professional team and other large-scale events.

The proposed Interlocal Agreement is similar to previous funding arrangements with the County and provides for the debt service to be assumed by the City with reimbursement from the County. Specifically, to this Agreement, the County will front \$500,000 toward construction and the City will borrow the remaining \$3,500,000. As debt service becomes due on the borrowed \$3,500,000, the City will invoice and be reimbursed by the County.

Mark Zimmerman, Senior Economic Development Manager of Polk County Tourism and Sports Marketing, stated the project was envisioned thirteen years ago and the County is excited about this project. As the County looks to develop premier events, this project allows for the development of Olympic-type events. This facility will be named the official training center for the Pan American Lacrosse Association as well as the Florida Youth Soccer Association.

Commissioner Myers asked if the stadium is designed to be expanded?

Parks and Recreation Director Cody McGhee indicated the east side as well as the north side could be expanded. The only side which is limited is the south side due to FYSA building.

Commissioner Myers asked if the County has already approved this item?

City Manager Tillman stated the County Commission was considering this item August 17.

The City is scheduled to issue a Request for Proposals (RFP) for the \$3,500,000 to all financial institutions with a business license receipt within the City.

Commissioner Meyers asked to clarify the funding for this project is coming from the Polk County Tourist Tax which is applicable to the hotel stays and short-term rentals?

City Manager Tillman affirmed funding is 100% Polk County Tourism Tax Funds.

Commissioner Taylor Bogert asked why does the City issue and assume the debt of the project?

City Manager Tillman stated the City owns the property therefore we issue the debt for the construction of the facility. This agreement is consistent with other agreements in the past for development of projects at the Lake Myrtle Park.

The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

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**Motion** by Commissioner Cowie, seconded by Commissioner Taylor Bogert, to approve the Interlocal Agreement with Polk County for the Lake Myrtle Soccer Stadium. Upon vote, all ayes.

## 6. PRESENTATION OF BIDS – LAKE MYRTLE SOCCER STADIUM

In 2006, the City of Auburndale entered into several agreements to expand the Lake Myrtle Sports Complex to accommodate the Florida Youth Soccer Association (FYSA) headquarters and additional improvements including a stadium on the soccer championship field. Engineering work was performed by Chastain Skillman, and design work prepared by the Lunz Group. Due to financial considerations, the stadium was never built. Specifically, plans were changed to relocate concession operations out of the FYSA building, and the parties agreed to utilize aluminum bleachers for seating on the Championship Field.

In March 2020, the City approved an Interlocal Agreement with Polk County to update the previous design plans to current building code requirements which would allow for the bidding of the construction phase.

In May 2021, the City approved a Supplemental Agreement with Chastain Skillman to provide bidding services including coordinating with bidders on construction drawings and specifications, pre-bid meetings, review tabulations, make recommendations to the City, and when directed by the City, prepare a Notice of Award. Seven (7) contractors picked up bid packages and on June 23, 2021, Chastain Skillman received the following five (5) bids:

<b>Springer Construction</b>	<b>\$3,456,952.59</b>
Miller Construction Management	\$3,813,800.00
Evergreen Construction Management	\$3,892,000.00
Rodda Construction	\$4,600,000.00
SEMCO Construction	\$4,852,144.00

Commissioner Myers asked what will happen to the existing bleachers at the site?

City Manager Tillman stated the bleachers will be moved to the opposite side of the field.

Parks and Recreation Director McGhee confirmed what the City Manager had stated.

The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to award the bid for construction of a stadium on the soccer championship field at Lake Myrtle Park to Springer Construction in the amount of \$3,456,952.59, with reimbursement from Polk County of up to \$4 million dollars. Upon vote, all ayes.

## 7. FINAL PLAT APPROVAL – LAKE JULIANA ESTATES PHASE 2-A

Community Development Director Fife stated the City has received a request to plat Phase 2-A of Lake Juliana Estates located on C Fred Jones Blvd and William Van Fleet Rd. On December 9, 2005, the City Commission approved a Planned Development and binding site plan for the 182-acre subdivision. The plan approved a

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total of 404 single family lots at a net density of 2.4 units per acre. Phase I of the subdivision received final plat approval on July 24, 2006, which consisted of 210 single family lots.

The developer is currently requesting Final Plat approval for Phase 2-A of Lake Juliana Estates. The Plat shows 50 single-family lots with a minimum lot square footage of 6,000 square feet and minimum home of 1,400 square feet. The subdivision meets all Land Development Regulations (LDR's) including lot size, setbacks, open space, and sidewalk requirements as approved in the original Planned Development on December 9, 2005. The original planned development had standards which do not meet the City's current standards.

The developer's engineer has certified that all necessary improvements to the subdivision have been constructed and installed according to the Land Development Regulations. 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.

Commissioner Taylor Bogert asked how the subdivision will be accessed?

It was determined the subdivision will be accessed through the existing Lake Juliana Estates subdivision. However, there will be an additional entrance in Phase 2-B once FDOT approves the driveway permit.

The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

**Motion** by Commissioner Cowie, seconded by Commissioner Taylor Bogert, to approve the Final Plat for Lake Juliana Estates Phase 2-A. Upon vote, all ayes.

## **8. AMERICAN RESCUE PLAN ACT AGREEMENT WITH STATE AND DIVISION OF EMERGENCY MANAGEMENT**

In March 2021, the City was notified that it would receive funding through the American Rescue Plan Act. As a result, the City advanced several alternative water supply and reliability projects including the Gapway Road waterline extension, Simmers Young waterline extension, the Auburndale / Winter Haven / Polk County water interconnect, and expansion of the Berkley Road Water Plant. All the projects are budgeted in the proposed FY 2021-2022 & FY 2022-2023 Budgets. The American Rescue Plan Act requires that funds may only be used to cover expenses incurred by the City through December 31, 2024, for eligible uses. Water and wastewater infrastructure projects are allowable expenses of the funding.

The proposed Coronavirus Local Fiscal Recovery Fund Agreement with the State of Florida and Division of Emergency Management will provide \$8,339,213.00 in total funding to the City. 50% of the total amount allocated to the City will be received in the current fiscal year with the balance being received in the 2021-2022 fiscal year. These funds allowed the City to keep proposed utility rates and impact fees lower than anticipated.

The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

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**Motion** by Commissioner Cowie, seconded by Commissioner Taylor Bogert, to approve the American Rescue Plan Act Agreement. Upon vote, all ayes.

**9. DISCUSS CHANGES TO PROPOSED FY 21-22 & FY 22-23 BIENNIAL BUDGET**

City Manager Tillman stated the proposed Fiscal Year 2021-2022 and Fiscal Year 2022-2023 Biennial Budget was presented to the City Commission on August 2, 2021. The balanced Budget was presented with a Contingency Line Item balance of \$193,959 in FY 2021-2022 and \$141,731 in FY 2022-2023. Subsequent changes in the Budget can be made with offsetting changes to the Contingency Line Item. This allows all other budgeted items to stay fully funded.

After the Budget is adopted and put into practice, a necessary and unexpected expense can be charged to the Contingency Line Item, also allowing all other budgeted items to stay fully funded.

The proposed changes being presented to the Contingency Line Item in each year suggests modest increases to other expense line items, resulting in a decrease to the proposed Contingency Line-Item amounts. The Adjusted FY 2021-2022 Contingency Line-Item balance is \$185,305 and \$102,321 in FY 2022-2023.

Proposed changes to the budget include:

- Florida Division of Historic Resource Grant for \$50,000 to update Historic Building Inventory.
- Lake Ariana Master Plan reduction of \$26,500
- Payroll Changes including add one fulltime Utility Clerk, recommend 4% salary adjustments for Fire Chief, Parks and Recreation Director, Community Development Director, Special Projects/City Clerk, and Public Works/Public Utilities Director to keep parity among directors
- Utility Billing Postage increase of \$7,000 due to the increase in the number of accounts

Commissioner Taylor Bogert asked even though we have the option to have email billing the City still sends the bill by mail can we save money by not sending both?

City Manager Tillman stated staff will investigate that matter.

Commissioner Myers asked why weren't all directors included in the proposal?

City Manager Tillman responded he had spoken with the Assistant City Manger and Police Chief prior to the meeting about the proposal. The City has three tiers of director's salary. The proposed changes reduce the gap so eventually there will be two tiers for directors' salaries.

Commissioner Taylor Bogert stated some of the directors are doing the job that in many places are two positions.

City Manager Tillman stated every year the City completes a salary survey and position responsibilities are take into consideration when comparing salaries.

Final adoption of the Biennial Budget will follow Public Hearings on Thursday, September 9, 2021, and on Tuesday, September 21, 2021.

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The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve the proposed changes to the FY 21-22 & FY 22-23 Budgets. Upon vote, all ayes.

The Meeting was adjourned at 7:49 p.m.

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

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Jeffrey Brown, City Clerk/Special Projects Director



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The Mayor asked if anyone in the audience had any comments to come forward. There were no public comments.

**Motion** by Commissioner Taylor Bogert, seconded by Commissioner Cowie, to approve the proposed changes to the FY 21-22 & FY 22-23 Budgets. Upon vote, all ayes.

The Meeting was adjourned at 7:49 p.m.

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