



*City of Auburndale*  
AUBURNDALE, FLORIDA 33823

Office of the City Manager

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**CITY COMMISSION MEETING**  
**December 20, 2021 - 7:00 P.M.**  
**COMMISSION ROOM/CITY HALL**

CALL TO ORDER – Mayor Dorothea Taylor Bogert

INVOCATION – Pastor Charles Harkala, Good Shepherd

PLEDGE OF ALLEGIANCE – Mayor Dorothea Taylor Bogert

ROLL CALL – City Clerk Jeff Brown

APPROVE COMMISSION MINUTES – Regular Meeting – 12/06/2021

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

PROCLAMATION – The Agricultural and Labor Program, Inc. 54<sup>th</sup> Anniversary Day – January 22, 2022

**AGENDA**

1. **PUBLIC HEARING** - FUTURE LAND USE AND ZONING MAP AMENDMENT – MANCINI PROPERTY
2. ORDINANCE #1682 AMENDING THE FUTURE LAND USE MAP – MANCINI PROPERTY
3. ORDINANCE #1683 AMENDING THE OFFICIAL ZONING MAP – MANCINI PROPERTY
4. ORDINANCE #1684 ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – RESERVE AT VAN OAKS
5. FINAL PLAT – RESERVE AT VAN OAKS PHASE 1
6. CR-559 AND ADAMS ROAD INTERSECTION INFRASTRUCTURE AGREEMENT
7. ORDINANCE #1685 TAMPA ELECTRIC COMPANY FRANCHISE
8. APPROVE CONTRACT FOR PURCHASE OF PROPERTY – 0 DENTON AVENUE / USA WATER SKI

***Merry Christmas! – Next Meeting Monday, January 3, 2022***

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  
December 20, 2021**

**AGENDA ITEM 1: PUBLIC HEARING – FUTURE LAND USE AND ZONING MAP AMENDMENT – MANCINI PROPERTY**

**AGENDA ITEM 2: ORDINANCE #1682 AMENDING THE FUTURE LAND USE MAP - MANCINI**

**AGENDA ITEM 3: ORDINANCE #1683 AMENDING THE OFFICIAL ZONING MAP - MANCINI**

     INFORMATION ONLY

  X   ACTION REQUESTED

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**ISSUE:** The City Commission will consider and take public comment on a proposed Future Land Use Map amendment and an Official Zoning Map amendment.

**ATTACHMENTS:**

- . Notice of Public Hearing – 11/26/2021
- . Proposed Ordinance #1682 Amending Future Land Use Map – Mancini Property
- . Proposed Ordinance #1683 Amending Official Zoning Map – Mancini Property
- . Excerpt from Planning Commission Meeting – 12/07/2021

**ANALYSIS:** The City has received a request from Jonathan Huels, on behalf of Daniel Mancini, for a Future Land Use Map Amendment and Zoning Map Amendment on the following property:

**Mancini Property:**

<b>Owner/Petitioner:</b>	Jonathan Huels on behalf of Daniel Mancini
<b>Location:</b>	C. Fred Jones Blvd., west of CR 559 and south of I-4
<b>Current Future Land Use:</b>	Tourism Commercial Center
<b>Proposed Future Land Use:</b>	Business Park Center
<b>Current City Zoning:</b>	Commercial Highway (CH)
<b>Proposed Zoning Classification:</b>	Light Industrial (LI)
<b>Current use:</b>	Vacant (+/- 7.21 acres)

In December of 2005, the City approved a Future Land Use request establishing Tourism Commercial Center (TCC) and a Zoning classification of Commercial Highway (CH) on +/- 7.21 acres. The property is located on C. Fred Jones Blvd, west of CR 559 and south of Interstate-4. The subject property is currently vacant.

The applicant proposes to amend the City's Future Land Use classification of Tourism Commercial Center (TCC) to ***Business Park Center (BPC)*** and amend the City Zoning classification from Commercial Highway (CH) to ***Light Industrial (LI)*** on +/- 7.21 acres. The Land Use of Business Park Center allows for light assembly plants, or warehouse facilities, offices, distributors, and research and development. The Light Industrial Zoning classification permits light manufacturing, processing, storage and warehousing, wholesaling, and distribution. This request is consistent with the existing Future Land Use and Zoning classification adjacent to the west, also owned by Daniel Mancini, and is compatible to existing development to the east.

The current request allows the construction of a future distribution warehouse. The project is known as the Auburndale Commerce Center and sits adjacent to the Amazon Distribution Center.

The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on the first reading, the proposed Ordinances will be presented for second and final reading on January 3, 2022.

**PLANNING COMMISSION RECOMMENDATION:** Approval of the proposed Future Land Use Map and Zoning Map amendments (6-0, 12/07/2021).

**STAFF RECOMMENDATION:** Approval of Ordinance #1682 amending the Future Land Use Map and Ordinance #1683 amending the Official Zoning Map

**City Commission Meeting  
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**AGENDA ITEM 4: ORDINANCE #1684 ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – RESERVE AT VAN OAKS**

     INFORMATION ONLY

  X   ACTION REQUESTED

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**ISSUE:** The City Commission will consider an Ordinance establishing a Community Development District for the Reserve at Van Oaks.

**ATTACHMENTS:**

- . Petition to Establish the Reserve at Van Oaks Community Development District
- . Proposed Ordinance #1684 Establishing Community Development District –Reserve at Van Oaks
- . Reserve at Van Oaks – Community Development District Boundary Map

**ANALYSIS:** Meritage Homes of Florida, Inc. has filed a Petition to establish the Reserve at Van Oaks Community Development District (CDD) with the City of Auburndale pursuant to Section 190.005(2)(a), Florida Statutes.

Chapter 190 of Florida Statutes allows a developer to petition a municipality to establish a CDD for the purpose of managing the provision of infrastructure improvements and public services including funding. The proposed CDD is comprised of approximately 119.757 acres, generally located west of Mohawk Road, south of Lake Van Road, north of Adams Road and east of County Road 559 and has a Zoning of *Planned Development-Housing 1 (PD-H1)*.

The petitioner has proposed to establish the CDD to plan, finance, acquire, construct, operate and maintain infrastructure and community facilities which may be authorized by such District under Florida law, including but not limited to, roadways, stormwater management, utilities (water and sewer), offsite improvements, amenity, landscaping/hardscaping/irrigation, undergrounding of conduit and other infrastructure.

The Reserve at Van Oaks CDD will consist of a five (5) member Board of Supervisors having the authority to oversee the installation of infrastructure improvements and secure financing within its boundaries. Initially the Board of Supervisors will consist of representatives from Meritage Homes of Florida, Inc. As residents begin to move into the development, future Boards will be elected by the residents of the CDD. All meetings are open to the public and are subject to all applicable Government in the Sunshine laws.

In the event that the established CDD is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for the road rights of way, stormwater management and drainage systems, and street lighting that are necessary for the development in the District without the City's express written consent. In the event of termination, the CDD shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

**PUBLIC NOTIFICATION REQUIREMENTS:** In accordance with Chapter 190 of Florida Statutes, the petitioner will publish public notice of this request in a local newspaper for four (4) consecutive weeks prior to the second reading on January 18, 2022 and public hearing of the ordinance.

**FINANCIAL IMPACT:** There is no direct financial impact to the City as a result of this request; however, upon development of the CDD, the City will receive a budget and schedule of meetings annually.

The proposed Ordinance and petition for the Community Development District were prepared by the attorney representing the development with extensive review by the Community Development Department, City Manager and the City Attorney.

**STAFF RECOMMENDATION:** Approval of Ordinance #1684 establishing the Community Development District for the Reserve at Van Oaks

**City Commission Meeting  
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**AGENDA ITEM 5: FINAL PLAT – RESERVE AT VAN OAKS PHASE 1**

\_\_\_ INFORMATION ONLY

\_X\_ ACTION REQUESTED

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**ISSUE:** The City Commission will consider the Final Plat for the Reserve at Van Oaks Subdivision Phase 1.

**ATTACHMENTS:**

- . Final Plat – Reserve at Van Oaks Phase 1
- . Engineer’s Cost Estimate – Poulos & Bennett – 10/21/2021
- . Performance Bond – Meritage Homes of Florida – 10/27/2021

**ANALYSIS:** The City has received a request to plat Phase 1 of the Reserve at Van Oaks Subdivision, formerly known as the CG Jeans Road Subdivision. The property is located on Adams Road and has a Zoning of *Planned Development-Housing 1 (PD-H1)*.

The City Commission approved the zoning and binding site plan of the Reserve at Van Oaks Subdivision, on June 3, 2019. Phase 1 of the subdivision consists of 138 lots and the average lot size is 7,200 SF, which meets the Planned Development-Housing 1 zoning regulations. The development meets all Land Development Regulations including lot size, setbacks, open space, and sidewalk requirements.

As provided for in the Land Development Regulations (LDR's), the developer is requesting Final Plat approval before all infrastructure improvements are made. The LDR's allow a developer to execute a surety bond, which is available to the City, in an amount 120% of the estimated completed construction cost as determined by the engineer. The Bond paperwork includes the list of improvements that need to be made, which will be covered by the bond, and a timeframe of October 31, 2022, to complete the work. The developer estimates that all necessary infrastructure improvements will be made within this time period and that the purpose of bonding is to expedite sales of the lots. The bond ensures that the City can complete improvements if the developer does not.

Infrastructure required by City specifications and covered by the bond include: Earthwork and grading, paving and material costs for road base and concrete, road striping and signage, the water distribution system, the sanitary sewer system and an onsite force main and lift station, the drainage system, and Adams Road Improvements.

To accomplish the necessary improvements, the developer's engineers have estimated the cost at \$1,086,836.26. In accordance with the City's LDR's, the bond amount is \$1,304,203.51, or 120% of the cost of improvements. Approval of the Final Plat would acknowledge acceptance of the terms of the performance bond. Approval of the Final Plat allows the developer to sell the lots and begin building houses.

**STAFF RECOMMENDATION:** Acceptance of the performance bond and approval of the Final Plat for Phase 1 of the Reserve at Van Oaks Subdivision.

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**AGENDA ITEM 6: CR-559 AND ADAMS ROAD INTERSECTION INFRASTRUCTURE AGREEMENT**

     INFORMATION ONLY

  X   ACTION REQUESTED

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**ISSUE:** The City Commission will consider an Agreement for CR 559 and Adams Road intersection improvements.

**ATTACHMENTS:**

CR 559 and Adams Road Intersection Infrastructure Agreement

**ANALYSIS:** In 2019, the City Commission approved amendments to the Official Zoning Map for the CG Land/Jeans Road property (259 single family units lying north of Adams Road), and HB Development/H Block properties (201 single family units lying south of Adams Road). As a condition of approval, both developers agreed to make improvements to Adams Road, as determined by their traffic study. Adams Road is a two-lane City maintained road running east-west between CR 559 and Mohawk Road, both Polk County maintained roadways.

In addition to the developers of the residential subdivisions, the owners of the commercial property on the corner of Adams Road and CR 559 jointly participated in a traffic study. The study concluded Adams Road is currently operating with sub-standard roadway conditions due to the narrow 9' travel lanes and lack of pedestrian sidewalks. The study also determined that intersection of Adams Road and CR 559 will experience excessive delays upon completion of all three projects, and recommended the intersection be signalized.

In January 2021, the City Commission approved the Adams Road Improvements Agreement that required improvements be constructed that would bring the road to a satisfactory condition. The owners agreed to pay for the design, permitting, contracting, and overseeing the completion of the construction. In accordance with the Adams Road Improvements Agreement, the City vested the individual property owners with transportation capacity for the first phase of the development projects and future phases would not be approved until the signalization of the intersection was addressed.

The proposed CR 559 and Adams Road Intersection Infrastructure Agreement will allow for transportation capacity of the second phases of the proposed developments, and provides all the terms, rights and obligations of the owners, the City, and the County. The property owners agree to fund the total costs of the Infrastructure Improvements, which include signalizing the intersection and associated roadway improvements. The City agrees through the proposed Agreement to utilize funds contributed by the property owners to complete the necessary intersection improvements. The engineer's opinion of costs for the project totals \$673,440, and the developers will deposit 19% of the cost into the escrow account, which is considered their proportionate fair share of the intersection improvements. The remainder of the cost of improvements will be funded using Polk County transportation impact fees. Through the Agreement, Polk County agrees to provide an impact fee credit once the impact fees are paid into escrow. Approval of the proposed Agreement will not have a financial impact to the City Budget.

The proposed Agreement was prepared by the attorneys representing the property owners with extensive review by the City and County Attorneys. The proposed Agreement has also been reviewed by the City Manager's Office, Community Development Director, and Public Works Director. The proposed Agreement has been approved by each of the developer/owners and will be presented to the Polk County Board of County Commissioners at their scheduled meeting of January 4, 2022 for approval.

**STAFF RECOMMENDATION:** Approval of the CR 559 and Adams Road Intersection Infrastructure Agreement.

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**AGENDA ITEM 7: ORDINANCE #1685 TAMPA ELECTRIC COMPANY FRANCHISE**

     INFORMATION ONLY

  X   ACTION REQUESTED

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**ISSUE:** The City Commission will consider and Ordinance to renew the Tampa Electric Company non-exclusive franchise.

**ATTACHMENTS:**

- . Ordinance #1685 Tampa Electric Company Franchise
- . Ordinance #757 Tampa Electric Company Franchise – Adopted 08/19/1991

**ANALYSIS:** The City Commission in 1991 adopted Ordinance #757 renewing a non-exclusive thirty (30) year franchise to the Tampa Electric Company (TECO) for use of the public streets, alleys, highways and other public places for their transmission and distribution system.

In October 2014, the City held a Public Workshop to evaluate the need and justify applying the 6% franchise fee to all classes of TECO customers. The franchise fee was being applied to residential and commercial customers, however did not include industrial customers. Section 4 of Ordinance #757 provided that the City may, after notice to TECO, schedule and give public notice of a workshop to evaluate the need and justification for: (i) an adjustment of the Franchise Rate; or (ii) applying the Franchise Rate to all classes of TECO customers. The City may adopt such change based on written justification of the need, and such adjustment shall automatically become part of the Ordinance. Following the Public Workshop, notification to TECO, and approval by the City Commission, the TECO Franchise Rate applied to all classes of TECO customers.

The proposed Ordinance amends the TECO franchise by extending the terms for an additional thirty (30) year period stating that TECO will continue to pay to the City a franchise fee equal to 6% of the company's gross revenues from the sale of electric energy to **all classes** of TECO customers including residential, commercial, industrial, and any other class of customer within the corporate limits of the City.

The proposed Ordinance also eliminates the provision in Section 4 to adjust the Franchise Rate and the requirement in Section 7 for TECO to maintain an office in the City. All other changes are housekeeping or administrative in nature.

The proposed Ordinance was prepared by the Tampa Electric Company 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 January 3, 2022.

**STAFF RECOMMENDATION:** Approval of Ordinance #1685.



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**AGENDA ITEM 8: APPROVE CONTRACT FOR PURCHASE OF PROPERTY – 0 DENTON AVENUE /  
USA WATER SKI**

\_\_\_ INFORMATION ONLY

\_X\_ ACTION REQUESTED

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**ISSUE:** The City Commission will consider a Contract to purchase property owned by USA Water Ski and Wake Sports Foundation to complete construction of a competition ski lake at the Lake Myrtle Sports Complex.

**ATTACHMENTS:**

- . Location Map – 0 Denton Avenue
- . Commercial Contract – 0 Denton Avenue

**ANALYSIS:** For several years, the City of Auburndale, the USA Water Ski and Wake Sport Foundation (USA Water Ski), and Polk County have partnered to make several improvements to compliment USA Water Ski's operations and the existing activities at the Lake Myrtle Sports Complex.

The City Commission in August 2016 approved an Agreement with USA Water Ski to lease and access property from the City to build and maintain an exhibition ski lake within the Lake Myrtle Sports Complex. The event lake is planned to be 200' in length, 100' wide, and 17' deep.

To help offset the costs and advance the event lake project, in January 2018 the City reached out to Bergeron Land Development, the contractor constructing the adjacent FDOT SunTrax Test Facility, who had expressed interest in excavating the fill dirt for use at SunTrax. At a substantially reduced total cost, Bergeron constructed Phase I, or 2/3<sup>rd</sup>s, of the event lake including construction of the embankments and slopes to a finished grade and dewatering costs required at the site.

In April 2020, the three entities approved and partnered in advancing needed and future road improvements on Denton Avenue, a County maintained road. The improvements included road rebuilding, widening, drainage and resurfacing that complimented USA Water Ski's cable park operations, Polk County's permitting and access management requirements, and would allow for a future City planned connection to the road network within the Lake Myrtle Sports Complex. The City of Auburndale agreed to pay the full cost of the roadway improvements and would be reimbursed by USA Water Ski in the amount of \$63,393.70 and Polk County in the amount of \$162,354.18 for their proportionate share.

In July 2020, the City Commission approved revising the Original Agreement between the City of Auburndale and USA Water Ski to remove all references to the Foundation's responsibility of constructing and maintaining the exhibition ski lake. The removal of USA Water Ski's obligation allows for the City and Polk County Tourism & Sports Marketing to advance construction of the event lake.

Tonight, the City Commission will consider purchasing property located at 0 Denton Avenue from USA Water Ski in the amount of \$168,943.66. The total purchase price includes the waiver of the remainder of USA Water Ski's debt obligation to the City in the amount of \$8,943.66 for their portion of the Denton Avenue Improvements plus \$160,000.00 for the property.

A portion of Phase I of the event lake is constructed on the +/- 2.08 acre parcel of property. Purchase of the property will allow the City and Polk County Tourism and Sports Marketing to advance the remainder of the construction of the event lake and related amenities, including the Lake Myrtle Sports Complex connection road network to Denton Avenue, and provide the City ownership of the entire event lake following construction. The purchase does not include the property owned by USA Water Ski for their cable park operations, but the City would agree to provide USA Water Ski an easement on the acquired property along the roadway for access to the property they are retaining.

The Commercial Contract was prepared by the City Attorney and defines the terms of the purchase. If approved by the City Commission, a closing date will be set on the property. Approval of the Commercial Contract authorizes the City Manager to close on the property.

Funding is available utilizing reserves from the General Fund that are not included in the City's 25% Restricted Reserve Account.

**STAFF RECOMMENDATION:** Approval of the Commercial Contract in the amount of \$168,943.66 and authorize the City Manager to execute all closing documents.