

City of Auburndale City Commission Meeting February 7, 2022

Minutes of the Regular Meeting of the City of Auburndale held February 7, 2022, at 7:00 p.m. in the Commission Room of City Hall, after having been properly advertised, with the following members present: Mayor Dorothea Taylor Bogert, Commissioners: Keith Cowie, Richard Hamann, and Bill Sterling. Commissioner Jack Myers was absent. Also, present were: City Manager Jeffrey Tillman, City Clerk/Special Projects Director Jeffrey Brown, City Attorney Frederick J. Murphy Jr., and Police Chief Andy Ray.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Commissioner Bill Sterling and a salute to the flag.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve the Minutes of the City Commission Meeting of January 18, 2022, with an amendment of the ski lake being 2000 ft. not 200 ft. Upon vote, all ayes.

City Manager Tillman introduced Wayne McCarty as the Head Librarian of the City of Auburndale.

City Manager Tillman presented to Mayor Taylor Bogert a State of Florida Flag flown over the Florida State Capital Building in her honor after being the first woman elected as Mayor of the City of Auburndale. Mr. Tillman read a letter from Florida State Representative Josie Tomkow congratulating Mayor Taylor Bogert on being elected Mayor of Auburndale.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda. None was received.

Commissioner Hamann asked will the City be accepting maintenance of the retention pond on the western end of Bridgers Avenue and US 92?

City Manager Tillman stated once Polk County completes the Bridgers Avenue project, the City will be accepting maintenance of the fence and pond. Mr. Tillman stated Polk County is exploring the possibility of installing a guard rail on US 92 to keep automobiles out of the retention pond.

**1. ORDINANCE #1688 ANNEXING PROPERTY INTO CITY LIMITS – INTERSECT PROPERTIES**

Community Development Director Julie Fife stated the City has received a petition from property owner Scott Brown of Intersect Properties to annex +/-53.32 acres of property into the City limits. The property is located south of Pace Blvd and west of Bryan Lane and is adjacent to the SunTrax Test Facility to the south, and Henderson/Rowe property to the north, which is in the City limits. The annexation does not create an enclave. The proposed annexation is as a result of the owner's request for city utilities and proposed mixed use development.

Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the City.

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 February 21, 2022.

City Attorney read Ordinance No. 1688: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID**

**ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (General Location: Bryan Lane)**

Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance No. 1688. Upon vote, all ayes.

**2. ORDINANCE #1689: ANNEXING PROPERTY INTO CITY LIMITS – WHEELER FARMS PROPERTY**

Community Development Director Fife stated the City has received a petition from property owner Wheeler Farms to annex +/-178.12 acres of property into the City limits. The property is located north and south of Lake Mattie Road, east of CR 559 and west of Adams Barn Road. The annexation Ordinance includes a portion of Lake Van, which makes the property contiguous to City limits.

The Florida Department of Environmental Protection (DEP) has no objections to the annexation of the State of Florida Sovereign Lands (lake bottom) along the northeast portion of Lake Van. The annexation does not create an enclave. The proposed annexation is as a result of the owner's request for city utilities and proposed single-family development on the Wheeler Farms property north of Lake Mattie Road.

Establishing a Future Land Use and Zoning classification on the property will be considered at Public Hearings before the Planning Commission and City Commission at later dates. The action currently before the City Commission is only on the annexation of the property into the City.

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 February 21, 2022.

City Attorney read Ordinance No. 1689: **AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE, FLORIDA, SO AS TO INCLUDE THEREIN ADDITIONAL TERRITORY LYING CONTIGUOUS AND ADJACENT TO THE PRESENT BOUNDARIES OF THE CITY; DESCRIBING SAID ADDITIONAL TERRITORY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. (General Location: Lake Mattie Road)**

Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance No. 1689. Upon vote, all ayes.

**3. CONSIDER ENDORSING THE LAKE ARIANA PARK CONCEPTUAL MASTER PLAN**

Assistant City Manager Palmer stated as part of the Auburndale Community Redevelopment Agency's plan to redevelopment West Park Street and the Civic Center property, Lake Ariana Park has been identified as the location for a new Civic Center.

The City contracted with Chastain Skillman and Catalyst Design Group to create a Conceptual Master Plan for the Park that would accommodate the relocation of the Civic Center and also include the redevelopment of Lake Ariana Park, while still providing for many of the current activities that take place at the park.

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The Conceptual Master Plan was presented to the public at the Ariana Clubhouse on January 13, 2022, during an Open House and was well received. The concept for the redevelopment of the park provides for not only the relocation of the Civic Center and sufficient parking for its activities, but also for outdoor event spaces, a playground, a new dock, a new boat ramp with trailer parking, and new picnic pavilions. The plan also includes a roundabout at the intersection of Ramsgate Road and Old Dixie Highway, and a few on-street parking spaces on Ramsgate Road.

If endorsed by the City Commission, the Conceptual Master Plan will be used to direct the engineer to further design the site using the concepts shown on the plan.

Mayor Taylor Bogert asked for public comment. None was received.

Commissioner Cowie asked once the engineer has completed the design will there be another community meeting?

Assistant City Manager Palmer stated it would come back to the City Commission for consideration.

Commissioner Cowie asked do we have contact information for the residents who attended the Open House and can we notify them when the City Commission considers the final plans?

Assistant City Manager Palmer stated staff did have their information and would contact them. In addition, the plans will be placed on the City's website and social media.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to endorse the Lake Ariana Park Conceptual Master Plan. Upon vote, all ayes.

#### 4. SECOND AMENDMENT TO LAKE MYRTLE BASEBALL REVENUE SHARING AGREEMENT

City Manager Tillman stated the City of Auburndale and Polk County entered into the Lake Myrtle Sports Complex Baseball Revenue Sharing Agreement on July 8, 2009. The Agreement provides for the recruitment of corporate sponsorships on the baseball fields located within the Sports Complex. The initial term of the Agreement was for a five (5) year period, with the option to renew for up to two (2) additional five (5) year terms.

Prior to the conclusion of the initial term (July 7, 2014), the City and County verbally agreed to revise and restate the initial term through February 6, 2017. In December 2017, the City and County memorialized in writing the first of the two available 5-year renewal terms through February 6, 2022.

The proposed Amendment exercises the second of two available 5-year renewal terms of the Lake Myrtle Sports Complex Baseball Revenue Sharing Agreement through February 6, 2027.

Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Sterling, seconded by Commissioner Hamann, to approve the second amendment to the Lake Myrtle Baseball Revenue Sharing Agreement. Upon vote, all ayes.

#### 5. SECOND AMENDMENT TO LAKE MYRTLE SOCCER REVENUE SHARING AGREEMENT

City Manager Tillman stated the City of Auburndale, Polk County, and the Florida Youth Soccer Association (FYSA), entered into the Lake Myrtle Sports Complex Marketing Agreement for Soccer Advertising Revenue on February 7, 2012. The Agreement provides for the recruitment of corporate sponsorships on the soccer fields

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located within the Sports Complex. The initial term of the Agreement was for a five (5) year period, with the option to renew for up to two (2) additional five (5) year terms.

In December 2017, the City and County memorialized in writing the first of the two available 5-year renewal terms through February 6, 2022.

The proposed Amendment exercises the second of two available 5-year renewal terms of the Lake Myrtle Sports Complex Soccer Revenue Sharing Agreement through February 6, 2027.

Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to approve the Second Amendment to the Lake Myrtle Soccer Revenue Sharing Agreement. Upon vote, all ayes.

## 6. LAKE MYRTLE SKI LAKE REVENUE SHARING AGREEMENT

City Manager Tillman stated the City of Auburndale, in partnership with Polk County Tourism and Sports Marketing (PCTSM) have agreed to utilize their collective resources at the Lake Myrtle Sports Complex to secure corporate sponsorships for the new Water Ski Event Lake. These sponsorships will help to offset the City's operational cost and to augment PCTSM's recruiting efforts.

The proposed Agreement reflects the agreed upon disbursements of sponsorship revenue between the City of Auburndale and PCTSM and is similar to the current agreement for baseball advertising revenue sharing. Under this agreement the City is responsible for the management of this program including the collection and distribution of sponsorship dollars and will be effective for a period of five (5) years through February 6, 2027.

The agreement only addresses sponsorships sales in relation to the Water Ski Event Lake. Similar agreements for baseball and soccer advertising revenue sharing have been in place since 2009 at the Lake Myrtle Sports Complex.

The proposed Agreement was prepared by the Parks and Recreation Department and reviewed by the City Manager's Office, City Attorney and Polk County. The proposed Agreement is also being considered by the Polk County Board of County Commissioners at their meeting on February 15, 2022.

Mayor Taylor Bogert asked for public comment.

**Motion** by Commissioner Hamann, seconded by Commissioner Sterling, to approve the Lake Myrtle Ski Lake Revenue Sharing Agreement. Upon vote, all ayes.

## 7. STATE REVOLVING FUND PLANNING LOAN – POLK REGIONAL WATER COOPERATIVE

City Manager Tillman stated on March 7, 2016, the City of Auburndale entered into an Interlocal Agreement with Polk County and the other municipalities to establish the Polk Regional Water Cooperative (PRWC) to address the future water supply needs for the County as a "regional entity".

On January 24, 2017, the PRWC Board voted to approve the Implementation Agreement for Phase I of the combined three Candidate Projects including the Southeast Wellfield Project (SEWFP) near Frostproof, the West Polk Wellfield Project (WPWFP) in Lakeland, and the Peace Creek Integrated Water Supply Project in the Winter Haven area. The scope of work included in Phase I includes field testing, test wells, site evaluations, yield verification, conceptual and preliminary design including water quality and pressure, total project cost refinement, rate analysis, and which member utility will participate in Phase II (actual construction of one of

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the projects). Phase I was estimated at \$23 million with 50% (\$11.5 million) in matching SWFWMD cooperative funding. The balance (\$11.5 million) would be paid by the PRWC members adopting the Combined Projects Implementation Agreement, of which the City of Auburndale is a party to.

Auburndale's total cost share of Phase I to date based on the identified water supply deficit is \$1,647,875.82. Applying the 50% Southwest Florida Water Management District (SWFWMD) co-funding reduces the dollar amount to \$823,937.91. The Combined Projects Implementation Agreement requires Phase I payment even if members withdraw during Phase I, or if the entity opts out of Phase II. On June 4, 2018, the City Commission approved utilizing the State Revolving Fund Planning Loan (SRF) to fund and participate in Phase I of the PRWC projects.

In September 2021, the PRWC Board approved an amendment to initiate the design of Test Production Well #3 for the Southeast Wellfield and in November of 2021 approved the process to procure a well driller. The additional test well was requested by SWFWMD to confirm water quality and quantity and requested it be completed prior to the completion of final design. The West Polk Wellfield Project also requires an additional test well, Test Production Well #2, be drilled for project feasibility and the same driller could be selected for both projects. Both wells can also serve as supply wells in Phase II, or construction, of the projects reducing future costs if the test wells are deemed viable.

The construction cost for each test well is estimated at \$4,425,000.00, or \$8,850,000.00 for both wells, with 50% to be paid in matching SWFWMD cooperative funding. The total cost to each member government for the additional test wells will be determined by their requested water allocation in the SEWFP and/or the WPWFP. The City of Auburndale is participating at 1.65 MGD, or 16.4% of the project, in the SEWFP and 0.10 MGD, or 1.238% of the project, in the WPWFP.

Once the test wells are bid and financing has been secured for the SRF loan, a Guaranty Agreement will be brought back before the City Commission at a later date to commit the City of Auburndale to the State Revolving Fund Planning Loan program for the actual costs of its share of construction for the test wells after SWFWMD co-funding.

On February 16, 2022, the PRWC Combined Projects Board Members will be asked to confirm their participation in the SRF planning loan to initiate the loan request. Vice Mayor Keith Cowie is the City's representative for the PRWC.

Commissioner Hamann asked did the City do a study determining the amount the City will need at buildout?

City Manager Tillman stated the study the City undertook was for a definitive period and population. It is difficult to predict future needs based upon development opportunities.

Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Sterling, seconded by Commissioner Hamann, to authorize the City's representative to confirm the City of Auburndale's participation in the State Revolving Fund Planning Loan to fund Test Production Well #3 for the Southeast Wellfield Project and Test Production Well #2 for the West Polk Wellfield Project. Upon vote, all ayes.

**8. PEACE RIVER PROJECT INTERLOCAL WATER PLANT CONSENT AGREEMENT – POLK REGIONAL WATER COOPERATIVE**

City Manager Tillman stated in 2019, the Polk Regional Water Cooperative (PRWC) and its member governments approved implementing a scope of work (Phase 1) for a proposed alternative water supply

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project known as the Peace River/Land Use Transition Treatment Facility project (Project). The proposed Project would withdraw surface water from the Peace River south of Fort Meade, treat the water, then transmit it to Project-participating PRWC member governments for use in their respective public water supply systems.

Phase 1 is an assessment phase to determine the Project's general design and estimated cost, the amount of treated water it could produce, the member governments likely to take the finished Project water, and the estimated cost for the finished water. After Phase 1 is complete, the PRWC will only develop the Project if sufficient PRWC member governments agree to proceed.

After Phase 1 began, the City of Fort Meade became concerned the Project could interfere with the City's existing water treatment and distribution facilities and with the amounts allocated in its existing water use permit (City Permit). Fort Meade informed the PRWC of its concerns and advised that the City of Fort Meade's consent to the Project would be necessary if the Project caused any such interference, or if the Project would be located within the City of Fort Meade's designated utility service area. Although the Project is still in the Phase 1 assessment phase, Fort Meade has prepared the proposed Peace River Project Interlocal Water Plant Consent Agreement (Consent Agreement), requesting the PRWC and each member government become a party to the agreement.

The Consent Agreement contains the City of Fort Meade's terms and conditions for consenting to the Project. Among those conditions are requirements that the PRWC and each member government not interfere with the City of Fort Meade's water utility facilities or its City Permit, and must not act, or fail to act, in a manner that will result in the City of Fort Meade being unable to utilize its water treatment plant and wells. Also, if the water management district reduces the City of Fort Meade's permitted water allocation because of the Project, the Consent Agreement requires the member governments to pay the cost of replacing the lost allocation from one of the PRWC alternative water supply projects.

After reviewing the Consent Agreement, staff recommends the City not become a party to the agreement. At this stage of the Project, it is uncertain whether the Project will be located within the Fort Meade's utility service area, and if it were, whether the Fort Meade's consent would be necessary. Additionally, the PRWC charter agreement addresses PRWC and individual member government responsibilities to avoid interference with each member government's existing water distribution and treatment facilities, and consumptive use permits. Consequently, the proposed Consent Agreement is not necessary.

City Attorney Murphy stated the Polk County Commission has already denied the proposed Agreement. There are several potential edits being circulated amongst city attorneys. The denial of the Agreement this evening does not mean the City of Auburndale is not willing to cooperate or work with the City of Fort Meade. Continued discussions may lead to an agreement mutually beneficial to the City of Fort Meade and the PRWC in the future.

Mayor Taylor Bogert asked for public comment. None was received.

**Motion** by Commissioner Cowie, seconded by Commissioner Hamann, to deny approval of the Peace River Project Interlocal Water Plant Consent Agreement – Polk Regional Water Cooperative. Upon vote, all ayes.

### 9. **APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION**

City Manager Tillman stated the Commission consists of five (5) City residents, appointed by the City Commission for a term three years. Members, to the extent available, shall be educated in the fields of architecture, history, architectural history, planning, archaeology or historic preservation disciplines.

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Perry Price		January 2024
Jean Hancock		January 2024
<b>Jayme Jamison</b>	(New Appointment)	<b>January 2025</b>
Ann James		January 2025
Maulissa Braverman		January 2025

The City Commission in January 2022 appointed Timothy Pospichal to serve as a Member to the Historic Preservation Commission. Mr. Pospichal has suggested he is not able to serve at this time. Mrs. Jayme Jamison, Curator of Education and Visitor Engagement for the Polk County History Center and resident of the City has offered to serve on the Historic Preservation Commission to fill the unexpired term through January 2025.

**Motion** by Commissioner Cowie, seconded by Commissioner Sterling, to appoint Jayme Jamison to the Historic Preservation Commission until January 2025.

The Meeting was adjourned at 7:56 p.m.

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

  
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 Jeffrey Brown, City Clerk/Special Projects Director