



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

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CITY COMMISSION MEETING
March 7, 2022 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Dorothea Taylor Bogert

INVOCATION – Father Rick Gomer, St. Alban's Episcopal Church

PLEDGE OF ALLEGIANCE – Mayor Dorothea Taylor Bogert

ROLL CALL – City Clerk Jeff Brown

APPROVE COMMISSION MINUTES – Regular Meeting – 02/21/2022

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

PROCLAMATIONS – “Meals On Wheels Month – 50th Anniversary”
“American Red Cross Month”

AGENDA

1. ORDINANCE #1690 AMENDING THE FUTURE LAND USE MAP – AUBURN LAKES PRESERVE
2. ORDINANCE #1691 AMENDING THE OFFICIAL ZONING MAP – AUBURN LAKES PRESERVE
3. RESOLUTION #2022-01 AMENDMENT TO MISSIONSQUARE 401(a) RETIREMENT PLAN FOR GENERAL EMPLOYEES
4. AMENDED AND RESTATED SOUTHEAST WELLFIELD IMPLEMENTATION AGREEMENT – PRWC
5. AMENDED AND RESTATED WEST POLK WELLFIELD IMPLEMENTATION AGREEMENT – PRWC
6. CONSIDER EASEMENT AGREEMENTS WITH DUKE ENERGY

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
March 7, 2022**

AGENDA ITEM 1: ORDINANCE #1690 AMENDING THE FUTURE LAND USE MAP – AUBURN LAKES PRESERVE

AGENDA ITEM 2: ORDINANCE #1691 AMENDING THE OFFICIAL ZONING MAP – AUBURN LAKES PRESERVE

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a proposed Future Land Use Map amendment and an Official Zoning Map amendment.

ATTACHMENTS:

- . Proposed Ordinance #1690 Amending Future Land Use Map – Auburn Lakes Preserve
- . Proposed Ordinance #1691 Amending Official Zoning Map – Auburn Lakes Preserve

ANALYSIS: The City has received a request for a Future Land Use Map amendment and Official Zoning Map amendment on the following property:

Auburn Lakes Subdivision:

Owner/Petitioner:	Vacant Land of Polk County, LLC on behalf of Gus Wong
Location:	Old Dixie Hwy and Polk County Parkway
Current Future Land Use:	Tourism Commercial Center (TCC)
Proposed Future Land Use:	Low Density Residential (181.88+/- acres) and Medium Density Residential (73.17+/- acres)
Current City Zoning:	Commercial Highway (CH)
Proposed Zoning Classification:	General Residential-1 (RG-1) on (181.88+/- acres) and General Residential-2 (RG-2) on (73.17+/- acres)
Current use:	Vacant

In February 2012, the City approved a Future Land Use classification of Tourism Commercial Center (TCC) and established a zoning classification of Commercial Highway (CH) on +/-255.05 acres with ingress and egress on Old Dixie Hwy. The original proposal was to establish a soccer camp.

Vacant Land of Polk County, LLC, on behalf of property owner Gus Wong, is requesting to amend the Future Land Use from **Tourism Commercial Center (TCC)** to **Low Density Residential** on +/-181.88 acres and to **Medium Density Residential** on +/-73.17 acres. The requested Future Land Use of Low Density Residential and Medium Density Residential is consistent with the City's Comprehensive Plan, the Joint Planning Agreement with Polk County and surrounding Development.

Because the property is larger than 50 acres, the City Commission held a Transmittal Public Hearing on November 15, 2021 to send the proposed Future Land Use Map amendment to the Department of Economic Opportunity (DEO) for a full compliance review. Upon receipt of the State review, the DEO responded with no objections or comments.

The request also includes an Official Zoning Map amendment from **Commercial Highway (CH)** to **General Residential-1 (RG-1)** on the +/-181.88 acre Low Density Residential portion of the property and **General Residential-2 (RG-2)** on the +/-73.17 acre Medium Density Residential portion of the property. The applicant proposes to develop a 350-lot single family subdivision and a 360-unit apartment complex. The requested Zoning is 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 City Attorney. The proposed Ordinances were approved on first reading February 21, 2022, and are being presented for second and final reading.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Future Land Use categories of Low Density Residential and Medium Density Residential and proposed Zoning classifications of General Residential-1 and General Residential-2 (6-0, 11/02/2021).

STAFF RECOMMENDATION: Approval of Ordinance #1690 amending the Future Land Use Map and Ordinance #1691 amending the Official Zoning Map.

City Commission Meeting
March 7, 2022

**AGENDA ITEM 3: RESOLUTION #2022-01 AMENDMENT TO MISSIONSQUARE 401(a)
RETIREMENT PLAN FOR GENERAL EMPLOYEES**

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a Resolution amending the MissionSquare 401(a) Retirement Plan for General Employees.

ATTACHMENTS:

Proposed Resolution #2022-01 Amending the MissionSquare Retirement Plan for General Employees

ANALYSIS: The City Commission in 2006 closed the General Employee Defined Benefit Pension Plan and established a 401(a) Retirement Plan for all General Employees (non-Police Officers and Firefighters). All General Employees hired on or after October 1, 2006, have participated in the 401(a) Plan (Defined Contribution Plan) established through MissionSquare Retirement (formerly ICMA-RC).

In 2021, MissionSquare submitted the Auburndale 401(a) Plan to the Internal Revenue Service (IRS) as part of an IRS six-year review schedule. In February 2022, the City was noticed that the IRS had issued favorable opinion letters and the City must execute a new Adoption Agreement by March 15, 2022. Taking action to adopt a restated Plan Document will ensure the Plan is updated in accordance with current IRS regulations.

The Restated Plan is housekeeping in nature and includes amendments for legislative and regulatory changes enacted since the Plan was established in 2006. No other plan provisions, contribution formulas or text changes have been made. Currently all full-time General Employees have a mandatory 2% contribution with the City contributing 8%.

The proposed Resolution was prepared by the Finance Director using the same resolution provided by MissionSquare Retirement. The proposed Resolution was reviewed by the City Manager and City Attorney.

STAFF RECOMMENDATION: Approve Resolution #2022-01 amending the MissionSquare 401(a) Retirement Plan for General Employees.

**City Commission Meeting
March 7, 2022**

AGENDA ITEM 4: AMENDED AND RESTATED SOUTHEAST WELLFIELD IMPLEMENTATION AGREEMENT - PRWC

AGENDA ITEM 5: AMENDED AND RESTATED WEST POLK WELLFIELD IMPLEMENTATION AGREEMENT – PRWC

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider the Southeast Wellfield and West Polk Wellfield Amended and Restated Implementation Agreements.

ATTACHMENTS:

- . Amended and Restated Implementation Agreement – Southeast Wellfield Project
- . Amended and Restated Implementation Agreement – West Polk Lower Floridan Aquifer Wellfield

ANALYSIS: In April 2021, the City together with other Polk Regional Water Cooperative (PRWC) member governments, approved and executed an Implementation Agreement for the development of the Southeast Wellfield Lower Floridan Aquifer project and West Polk Wellfield Lower Floridan Aquifer project together with their associated water treatment facilities, water transmission lines, and supporting facilities.

As the PRWC and its financial consultants investigated potential grant and loan programs necessary to support project funding, the financial consultants, the U.S. Environmental Protection Agency (EPA), the Florida Department of Environmental Protection, and the Southwest Florida Water Management District (SWFWMD) all recommended agreement modifications, which would enable the PRWC to meet the various agencies' financing and grant requirements. The PRWC staff, with input from the various member governments, then prepared the attached Amended and Restated Implementation Agreements for the two projects, which revises the initial agreement to include the recommended modifications.

The recommended changes include:

- Harmonizing the text of the Southeast Wellfield Implementation Agreement and the West Polk Wellfield Agreement to make the two agreements more uniform;
- Modifying the force majeure and project withdrawal clauses in the agreement to require each Project Participant to pay the "Base Rate" capital and debt service portion of the Water Charge each year regardless of the amount of Project Water received;
- Creating a fiscal "Reserves" requirement to ensure the continued repayment of Cooperative capital and debt service obligations in the event that a Project Participant fails for whatever reason to pay the Base Rate portion of the Water Charge;
- Amending the definition of "Operation and Maintenance Cost" to include formerly excluded cost centers such as litigation expenses, legal judgments, development expenses, certain project permit expenses, ordinary administrative, accounting, legal and engineering expenses, and management expenses;

- Eliminating an individual Project Participant's option to withdraw from further participation in constructing and operating the project after review of 60% design plans and the associated opinion of probable costs;
- Adding the Cooperative as a "party" to the implementation agreement;
- Restructuring Project Board vote requirements to require a dual majority of both "weighted votes" and the total number of Project Participants in order to approve a specific item of business;
- Deleting specific external conditions precedent to effectiveness, such as the execution of a cooperative funding agreement between the Cooperative and SWFWMD; and
- Updating the 2045 Water Allocation Table to reflect changes in water allotment quantities requested by member governments.

Additionally, legal staffs for the Cooperative's member governments recommended that the implementation agreement:

- Ensures that a true-up of the 2045 Water Allotment table occurs at least once every five (5) years and at any time that a member government's water allotment increases;
- Requires the Cooperative to covenant to cooperate with grant agencies and funding partners in issuing debt instruments;
- Permits the Cooperative and a member government to agree upon and specifically identify or modify the location of a member government's water meter and the Point of Connection between Cooperative and member government transmission facilities; and
- Provides that payments made by a delinquent member should first be used to credit Project Participants for payments made in order to avoid a shortfall before being used to replenish Cooperative reserves.

At the February 16, 2022, special meeting, the PRWC Board of Directors approved distributing the amended agreement to all PRWC member governments to confirm their acceptance of the modifications, project participation status, and requested water allocation.

The Public Utilities Director, City Manager and City Attorney have reviewed all of the proposed modifications to the implementations agreements and find them acceptable. City staff also confirms the requested allocation of 1.65 million gallons per day allotment from the initial phase of the Southeast Wellfield project and 0.10 million gallons per day allotment from the initial phase of the West Polk Wellfield project. Based on the anticipated project participants and their respective requested water allotments, City staff expects the City's water allotment to be approximately 13.27% of the Southeast Wellfield project and 1.269% of the West Polk Wellfield project.

According to the Cooperative's financial projections, the total cost of the Southeast Wellfield Project is anticipated to be \$239,325,000 and the total cost of the West Polk Wellfield Project is anticipated to be \$91,168,000. The City's financial obligations for the Projects are contingent upon final participation decisions made by fellow Cooperative Member Governments as well as financing and funding decisions to be made by the Cooperative's Board of Directors, SWFWMD, State Revolving Planning Loan Fund and the EPA through its Water Infrastructure Finance and Innovation Act ("WIFIA") financing program.

STAFF RECOMMENDATION: Approval of the Amended and Restated Implementation Agreements for the Southeast Wellfield Project and the West Polk Wellfield Project.

City Commission Meeting
March 7, 2022

AGENDA ITEM 6: CONSIDER EASEMENT AGREEMENTS WITH DUKE ENERGY – POLK COUNTY RELIABILITY ENHANCEMENT PROJECT

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider several Easement Agreements with Duke Energy for the construction of transmission lines for the Polk County Reliability Enhancement Project.

ATTACHMENTS:

- . Easement Agreement – Item 80, 81, 82 & 84
- . Temporary Access and Construction Easement Agreement – Item 80TCE
- . Aerial Easement Agreement – Item 116
- . Easement Agreement – Item 141 & 145.1
- . Letter from Chastain-Skillman – 12/01/2021
- . List of Comparable Sales – Reed Appraisal Company

ANALYSIS: In June 2018, representatives from Duke Energy Florida, LLC (Duke Energy) presented the Polk County Reliability Enhancement Project before the City Commission. The Duke Energy-owned Osprey Energy Center is located in Auburndale on Derby Road. The Project plans to construct a new Osprey Substation and two new transmission lines. The transmission system in Florida is interconnected and used by all utilities in the state and their customers. This project will help strengthen reliability and enable Duke Energy and other Florida utilities to deliver additional energy generated at the Osprey Energy Center to the major growth areas in Central Florida and surrounding areas. Construction is currently underway for the new substation located at 1708 Derby Road in Auburndale.

The planned transmission lines originate from the Osprey Energy Center and connect the power generation plant to existing Duke Substations in Kathleen and Haines City. The two new 230-kilvolt (kV) transmission lines, totaling approximately 48 miles, will help avoid overloads on the existing Duke Energy transmission system by supplying an alternate path of energy flow to the surrounding areas. The new transmission infrastructure will also provide the opportunity for future economic development and growth in the region.

Portions of the planned transmission lines pass through various City-owned properties. Duke Energy has approached the City to acquire easements on the various properties in order to construct and complete the project.

Duke Energy has prepared four (4) Easement Agreements that have been reviewed by the Public Utilities Director, City Manager, and City Attorney. The Easement Agreements grant Duke Energy the right to construct, operate, maintain and access their proposed electric transmission and distribution lines.

In consideration for the four (4) easements, Duke Energy has agreed to compensate the City of Auburndale \$654,500.00. Reed Appraisal Company provided Duke Energy a list of comparable sales in the area to acquire the easements. Based on the comparable sales, City staff feels the amount being compensated to the City for the easements is appropriate and favorable.

The two significant easements include an aerial easement over small portions of the Auburndale Memorial Park Cemetery property and an easement to construct a transmission line and poles at the Regional Wastewater Treatment Facility.

The aerial easement does not have an impact to the operation of the cemetery as the easement only allows the transmission lines to be installed over and across the property. The easement agreement at the Regional Wastewater Treatment Facility includes the construction of a thirty (30) foot by sixty (60) foot berm extension pad with an existing Rapid Infiltration Basin (RIB) as well as several transmission poles. Chastain-Skillman, the City's consulting engineer, has reviewed the easement documents and stated the proposed improvements will have no impact on operation or capacity of the City of Auburndale's Regional Sprayfield and RIB's.

STAFF RECOMMENDATION: Approval of the Easement Agreements with Duke Energy.