



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

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CITY COMMISSION MEETING
October 17, 2022 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Dorothea Taylor Bogert

INVOCATION – Pastor Forest Antemesaris, Orange Street Church of Christ

PLEDGE OF ALLEGIANCE – Mayor Dorothea Taylor Bogert

ROLL CALL – City Clerk Brandon Henry

APPROVE COMMISSION MINUTES – Regular Meeting – 10/03/2022

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

AGENDA ITEM 6: CONSIDER PURCHASE OF PROPERTY – 0 POLK COUNTY PARKWAY

REQUEST FROM THE GENERAL PUBLIC –

PROCLAMATION – “Florida City Government Week” October 17-25, 2022

AGENDA

1. **PUBLIC HEARING** – OFFICIAL ZONING MAP AMENDMENT – FERNANDEZ PROPERTY
2. ORDINANCE #1719 AMENDING THE OFFICIAL ZONING MAP – FERNANDEZ PROPERTY
3. ORDINANCE #1720 ANNEXING PROPERTY INTO CITY LIMITS – INTERSECT PROPERTIES
4. CONSIDER PURCHASE OF PROPERTY – 6 BOBBY GREEN PLAZA
5. APPROVAL OF LAW ENFORCEMENT TRUST FUND EXPENDITURE – UTILITY VEHICLE
- 6 CONSIDER PURCHASE OF PROPERTY – 0 POLK COUNTY PARKWAY**

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
October 17, 2022**

AGENDA ITEM 1: PUBLIC HEARING – OFFICIAL ZONING MAP AMENDMENT – FERNANDEZ PROPERTY

AGENDA ITEM 2: ORDINANCE #1719 AMENDING THE OFFICIAL ZONING MAP - FERNANDEZ

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on a Zoning Map amendment.

ATTACHMENTS:

- . Notice of Public Hearing – 09/22/2022
- . Ordinance #1719 Amending the Official Zoning Map – Fernandez Property

ANALYSIS: The City has received a request to rezone the following property:

<i>Petitioner/ Owner:</i>	Miller Fernandez
<i>Location:</i>	Bennett Street and Magnolia Avenue
<i>Current Future Land Use:</i>	Low Density Residential
<i>Current City Zoning:</i>	Commercial Highway (CH)
<i>Proposed Zoning Classification:</i>	Single Family Residential-3 (RS-3)
<i>Current use:</i>	Vacant (+/- 0.19 acres)

Property owner Miller Fernandez is requesting a Zoning classification change from ***Commercial Highway (CH)*** to ***Single-Family Residential-3 (RS-3)*** on 0.19 acres. The property is currently vacant and located at 0 Bennett Street, south of Magnolia Avenue, and has a Future Land Use of Low Density Residential.

The requested ***Single-Family Residential-3 (RS-3)*** Zoning classification is intended for low density single-family residential developments and requires a minimum lot size of 8,400 sq. ft. with a minimum lot width of 65' and setbacks of 25' front, 7' side, and 10' rear. The applicant is proposing a single-family home for the site.

The existing Low Density Residential Future Land Use only allows for residential development. The proposed Zoning Map Amendment is consistent with the established Future Land Use designation on the property and is compatible to existing Zoning classifications and uses to the south and west of the property. The requested Zoning Map Amendment is consistent with the City's Comprehensive Plan and Land Development Regulations.

The proposed Ordinance was prepared by the Community Development Director and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be considered for second and final reading on November 7, 2022.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Zoning classification of Single Family Residential-3 (RS-3) (4-0, 10/04/2022)

STAFF RECOMMENDATION: Approval of Ordinance #1719 amending the Official Zoning Map – Fernandez Property.

**City Commission Meeting
October 17, 2022**

AGENDA ITEM 3: ORDINANCE #1720 ANNEXING PROPERTY INTO CITY LIMITS – INTERSECT PROPERTIES

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider an Ordinance annexing properties into the City limits.

ATTACHMENTS:

. Proposed Ordinance #1720 Annexing Properties into City Limits – Intersect Properties

ANALYSIS: The City has received a petition from Scott Brown, 1266 W. Paces Ferry Road NW, Atlanta, GA, on behalf of property owners, to annex 12.44 acres of property into the City limits. The properties are located south of Pace Rd. and west of Bryan Lane. The subject properties are adjacent to property to the west which are in 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 November 7, 2022.

STAFF RECOMMENDATION: Approval of proposed Ordinance #1720 annexing the Intersect Properties into the City limits.

**City Commission Meeting
October 17, 2022**

AGENDA ITEM 4: CONSIDER PURCHASE OF PROPERTY – 6 BOBBY GREEN PLAZA

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider the purchase of a 1.85-acre site and 12,978 sq. ft. former bank building located at 6 Bobby Green Plaza for the development of a municipal services building.

ATTACHMENTS:

- . Property Appraisal of 6 Bobby Green Plaza – 09/27/2022
- . Purchase and Sale Agreement – 6 Bobby Green Plaza

ANALYSIS: For several years, the City has discussed with management of SunTrust Bank, now Truist Bank, the opportunity of selling the property located at 6 Bobby Green Plaza to the City should they no longer have a need for the building. The proposed site for acquisition is two parcels totaling 1.85-acres with a 12,978 sq. ft. building currently owned by Lemonade MM Auburndale, LLC. of Washington, D.C.

The City's interest in the property is to consolidate several City operations into the building including Utility Billing, Community Development, and Parks & Recreation Administration. Consolidating the various operations into one location will create efficiencies in services resulting in cost savings and accommodates future growth of the departments. The parking lot also serves as overflow parking for several events held in the Downtown.

The contract price of the Purchase and Sale Agreement is \$1,850,000.00 to acquire the property, which is also the recommended market value of both parcels as determined by the property appraisal. The property was originally listed by the seller for \$1,950,000.00.

The project is budgeted in the FY 2022/2023 Budget in the various departments at \$1,240,000.00. The additional funding necessary to purchase the property is available utilizing unrestricted reserve funding in the Utility Fund and General Fund.

The Purchase and Sale Agreement was prepared by the seller's attorney, Holland & Knight LLP, and reviewed by the Finance Director, City Manager and City Attorney.

STAFF RECOMMENDATION: Approval of the Purchase and Sale Agreement for 6 Bobby Green Plaza in the amount of \$1,850,000.00.

**City Commission Meeting
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**AGENDA ITEM 5: APPROVAL OF LAW ENFORCEMENT TRUST FUND EXPENDITURE – UTILITY
VEHICLE**

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a funding request to be paid for with fund from the City's Law Enforcement Trust Fund.

ATTACHMENTS:

. Memo of Request from Chief Terry Storie – 10/12/2022

ANALYSIS: The Police Chief has requested the funding of \$21,548.00 from the City's Law Enforcement Trust Fund to pay for a utility vehicle for use in the Department. The vehicle can be used during parades, the Bloodhound Bash, football games, Lake Myrtle and other community events. Additionally, it can be deployed for search and rescue cases including use in the aftermath of major storms.

The Trust Fund is made up of civil forfeitures related to criminal acts as established by Florida Statutes Chapter 932. Statutes require that requests to expend Trust Funds be initiated by the Chief of Police and approved by the governing body of the municipality. If approved, a Budget Amendment will be done at a later date to show the funding expended and the Trust Funds as offsetting revenue.

STAFF RECOMMENDATION: Approval of the Request.

**City Commission Meeting
October 17, 2022**

AGENDA ITEM 6: CONSIDER PURCHASE OF PROPERTY – 0 POLK COUNTY PARKWAY

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider the purchase of a 73.7-acre site located at 0 Polk County Parkway for the development of an effluent wastewater sprayfield.

ATTACHMENTS:

- . Letter from Chastain Skillman: Potential Wastewater Effluent Disposal Site – 03/17/2022
- . Property Appraisal of 0 Polk County Parkway – 04/20/2022
- . Agreement for Sale and Purchase of Real Property – 0 Polk County Parkway

ANALYSIS: Due to recent growth, the City needs to purchase additional property for effluent wastewater disposal to serve the additional development. The Regional Wastewater Treatment Plant (WWTP) has a treatment capacity of 4.0 million gallons per day (MGD). However, the Regional WWTP is only permitted for 2.783 MGD because of effluent disposal capacity limitations.

The proposed site for purchase is a former orange grove owned by J. Everett Allen & Sons, Inc. The 73.7-acre site is currently vacant and located at the end of Hickory Road, west of the Polk County Parkway. The site has been preliminarily reviewed by the City's consulting engineer, Chastain Skillman, who estimates the effluent disposal capacity of the property to be approximately 500,000 gallons per day. The estimate is based on the loading rate approved for the City's new sprayfield/rapid infiltration site located to the north of the subject property and adjacent to the Regional WWTP.

The contract price of the Purchase and Sale Agreement is \$5,000,000.00 to acquire the property. The property appraisal determined the market value of the Allen property to be \$4,750,000.00. Staff feels the proximity of the property to the Regional WWTP makes the site desirable reducing the infrastructure needed to tie-in to the plant.

The property purchase is budgeted in the FY 2022/2023 Utility Department Budget at \$5,000,000.00. The expense of the purchase is being offset utilizing previously collected Wastewater Impact Fees.

The Agreement for Sale and Purchase of Real Property was prepared by the seller's attorney, Peterson & Myers P.A., and reviewed by the Public Utilities Director, City Manager and City Attorney.

STAFF RECOMMENDATION: Approval of the Agreement for Sale and Purchase of Real Property for 0 Polk County Parkway in the amount of \$5,000,000.00.