



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

CITY COMMISSION MEETING
Tuesday, September 19, 2023 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

P.O. Box 186
(863) 965-5530
Email: cmo@auburndalefl.com

CALL TO ORDER – Mayor Dorothea Taylor Bogert

INVOCATION – Clay Bennett, Auburndale Community Church

PLEDGE OF ALLEGIANCE – Mayor Dorothea Taylor Bogert

ROLL CALL – City Clerk Brandon Henry

APPROVE COMMISSION MINUTES – Regular Meeting – 09/07/2023

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

PROCLAMATION - St. Alban's 125th Anniversary

AGENDA

1. **PUBLIC HEARING** – FY 2024 TAX MILLAGE LEVY & ANNUAL BUDGET
2. ORDINANCE #1755 ADOPTING FY 2023 TAX MILLAGE LEVY
3. ORDINANCE #1756 ADOPTING FY 2023 & FY 2024 ANNUAL BUDGETS
4. **PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – AUBURN LAKES**
5. ORDINANCE #1757 AMENDING THE FUTURE LAND USE MAP – AUBURN LAKES
6. ORDINANCE #1758 AMENDING THE OFFICIAL ZONING MAP – AUBURN LAKES
7. **PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – CLINGERMAN**
8. ORDINANCE #1759 AMENDING THE FUTURE LAND USE MAP – CLINGERMAN PROPERTY
9. ORDINANCE #1760 AMENDING THE OFFICIAL ZONING MAP – CLINGERMAN PROPERTY
10. CONSIDER DEVELOPER'S AGREEMENT WITH PROPERTY COMPANY OF FLORIDA, LLC
11. CONSIDER INTERLOCAL AGREEMENT WITH POLK COUNTY FOR DONATION OF EQUIPMENT
12. RESOLUTION #2023-02 FL DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT
13. RESOLUTION #2023-03 BUSINESS IMPACT ESTIMATE POLICY
14. CONSIDER ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE AND IMPLEMENTATION SERVICES

Community Redevelopment Agency Meeting to follow City Commission Meeting

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 accommodation 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
September 19, 2023**

AGENDA ITEM 1: PUBLIC HEARING – FY 2023-2024 TAX MILLAGE LEVY & ANNUAL BUDGET

AGENDA ITEM 2: ORDINANCE #1755 ADOPTING FY 2024 TAX MILLAGE LEVY

AGENDA ITEM 3: ORDINANCE #1756 ADOPTING FY 2024 & FY 2025 ANNUAL BUDGETS

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on the proposed millage rate and tentative FY 2024 and FY 2025 Annual Budgets.

ATTACHMENTS:

- . Proposed Contingency Changes - FY 2023/2024 and FY 2024/2025
- . Adjusted Fund Totals - FY 2023/2024 and FY 2024/2025
- . Proposed Ordinance #1755 Adopting FY 2024 Tax Millage Rate
- . Proposed Ordinance #1756 Adopting FY 2024 & FY 2025 Budgets and Five-Year Capital Improvement Program (CIP)

ANALYSIS: The Public Hearing has been advertised in accordance with the Florida Statutes regarding the method of fixing tax millage. This Public Hearing is the second of two (2) required Public Hearings. The first Public Hearing was held September 7, 2023.

The proposed Budget for FY 2024 is balanced with Total Revenue and Total Expenditures of \$87,389,142 before interfund transfers. Expenditures include general operating expenses of \$45,969,655. Capital Improvements of \$41,247,624 and Contingency Reserve of \$171,862. The Proposed FY 2024 and 2025 Budgets includes all changes made during the Regular City Commission meetings of May 1, 2023 (Payroll), May 15, 2023 (Capital Outlay), June 19, 2023 (Expenditures), and July 24, 2023 (Revenues). City Staff will present changes and adjusted Contingency figures.

Revenues from ad-valorem taxes for FY 2024 and FY 2025 are estimated at \$9,030,000 and based upon the operating millage rate of 4.2515.

The FY 2024 Budget also includes the proposed Five-Year Schedule of Capital Improvements (CIP) for the City's Public Safety, Parks and Recreation, and Public Works Departments. This schedule, which is a requirement of the City's Comprehensive Plan, assists the City Commission in prioritizing future capital needs throughout the City and is updated annually during the budget process to include a "new fifth year".

A balanced FY 2025 Budget (2nd Year Budget) is also being presented for the Commission's conceptual approval. The FY 2025 Budget will be reviewed by City Staff and the City Commission during the next Budget update process in order to accommodate needs that have arisen since the planned budget was prepared.

Changes to the proposed Biennial Budget will be presented by staff during the Public Hearing and before Commission action.

The proposed Ordinances were prepared by the Finance Director and reviewed by the City Manager and City Attorney. The proposed Ordinances were approved on first reading September 7, 2023, and are being presented for second and final reading.

STAFF RECOMMENDATION: Approve the proposed Ordinance establishing the tax millage levy and the proposed Ordinance adopting the FY 2024 and FY 2025 Annual Budgets.

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AGENDA ITEM 4: PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – AUBURN LAKES

AGENDA ITEM 5: ORDINANCE #1757 AMENDING THE FUTURE LAND USE MAP - AUBURN LAKES

AGENDA ITEM 6: ORDINANCE #1758 AMENDING THE OFFICIAL ZONING MAP - AUBURN LAKES

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on Future Land Use and Zoning Map Amendments.

ATTACHMENTS:

- . Notice of Public Hearing – 08/25/2023
- . Ordinance #1757 Amending the Future Land Use Map – Auburn Lakes Property
- . Ordinance #1758 Amending the Official Zoning Map – Auburn Lakes Property
- . Excerpt from Planning Commission Meeting – 09/05/2023

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

Auburn Lakes Property:

<i>Owner/Petitioner:</i>	Dan Lewis of Ridge Project Management, LLC on behalf of Lee Saunders of Auburn Lakes, LLC
<i>Location:</i>	Old Dixie Hwy. and Polk Parkway (+/- 9.11 acres)
<i>Current Future Land Use:</i>	Medium Density Residential
<i>Proposed Future Land Use:</i>	Neighborhood Activity Center
<i>Current City Zoning:</i>	General Residential-2 (RG-2)
<i>Proposed Zoning Classification:</i>	Planned Development Commercial-1 (PD-C1)
<i>Current use:</i>	Vacant

ANALYSIS: Dan Lewis of Ridge Project Management, LLC, on behalf of Lee Saunders of Auburn Lakes, LLC, is requesting to amend 9.11 +/- acres from a Future Land Use of Medium Density Residential to **Neighborhood Activity Center**. The applicant is also looking to amend the Zoning of General Residential-2 (RG-2) to a **Planned Development Commercial-1 (PD-C1)**. In March 2022, the subject site received a Future Land Use of Medium Density Residential and Zoning of General Residential-2 (RG-2) to accommodate a multi-family and single-family subdivision. The City has approved a Developer’s Agreement for the entire proposed site’s wastewater usage due to upgrades needed to support development.

The applicant is requesting the Future Land Use and Zoning change to accommodate an 85-unit hotel. The site plan also depicts pool amenities to service the hotel and adequate parking per the Land Development Regulations requirements. The property is surrounded by natural wetlands creating a natural buffer to any future residential to the south.

As required by the Land Development Regulation's for Planned Developments, this request is accompanied by a binding site plan. The proposed binding site plan meets all requirements for parking, landscape buffers and building setbacks per the Land Development Regulations. The requested Future Land Use of Neighborhood Activity Center and Zoning classification of PD-C1 is consistent with the City of Auburndale Comprehensive Plan and all Land Development Regulations.

The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on October 2, 2023.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Future Land Use of Neighborhood Activity Center and Zoning classification of Planned Development-C1 (PD-C1) – (5-0, 09/05/2023).

STAFF RECOMMENDATION: Approval of the proposed Ordinances amending the Future Land Use Map and Official Zoning Map – Auburn Lakes.

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AGENDA ITEM 7: PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS - CLINGERMAN

AGENDA ITEM 8: ORDINANCE #1759 AMENDING THE FUTURE LAND USE MAP - CLINGERMAN

AGENDA ITEM 9: ORDINANCE #1760 AMENDING THE OFFICIAL ZONING MAP – CLINGERMAN

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on Future Land Use and Zoning Map Amendments.

ATTACHMENTS:

- . Notice of Public Hearing – 08/25/2023
- . Ordinance #1759 Amending the Future Land Use Map – Clingerman Property
- . Ordinance #1760 Amending the Official Zoning Map – Clingerman Property
- . Excerpt from Planning Commission Meeting – 09/05/2023

ANALYSIS: As a result of annexation, the City has received a request for a Future Land Use Map Amendment and Zoning Map Amendment on the following property:

Clingerman Property:

<u>Owner/Petitioner:</u>	Bryan Hunter of Hunter Engineering on behalf of Kevin D. Clingerman
<u>Location:</u>	US Hwy 92 W. and Polk Pkwy.
<u>Current County Future Land Use:</u>	Linear Commercial Corridor (LCC)
<u>Proposed City Future Land Use:</u>	Commercial Corridor
<u>Proposed City Zoning:</u>	Commercial Highway (CH)
<u>Current use:</u>	Vacant +/- 4.28 acres

As a result of annexation, the City has received a request to amend the City of Auburndale’s Future Land Use from Polk County Future Land Use of Linear Commercial Corridor (LCC) to City of Auburndale Future Land Use of **Commercial Corridor** on +/- 4.28 acres. The developer also requests to establish a Zoning classification of **Commercial Highway (CH)**. The proposed use is for a plant retail nursery.

The amendments are consistent with the existing commercial development of the surrounding properties. The requested Future Land Use and Zoning Map amendments are consistent with the City of Auburndale’s Comprehensive Plan and Land Development Regulations.

The proposed Ordinances were prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinances will be presented for second and final reading on October 2, 2023.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Future Land Use of Commercial Corridor and the Zoning classification of Commercial Highway (CH) – (5-0, 09/05/2023).

STAFF RECOMMENDATION: Approval of proposed Ordinances amending the Future Land Use Map and Official Zoning Map – Clingerman.

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AGENDA ITEM 10: CONSIDER DEVELOPER'S AGREEMENT WITH PROPERTY COMPANY OF FLORIDA, LLC – LINCOLN PROPERTY

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider a Developer's Agreement between Property Company of Florida, LLC, and the City for sewer capacity.

ATTACHMENTS:

Developer's Agreement with Property Company of Florida, LLC

ANALYSIS: In December 2022, the Property Company of Florida, LLC (Lincoln), annexed +/- 75.70 acres of property, formerly known as the North Pace Road Property, north of Pace Road and east of the Polk Parkway into the city limits of Auburndale. Lincoln has submitted a request to establish a Future Land Use of Regional Activity Center and a Zoning designation of Industrial Planned Unit Development (IPUD), which will come before the City Commission at a later date.

In May 2022, the City notified Lincoln that the sewer collection system needed to be studied and possibly upgraded to support new development, including Lincoln's development. The City requested Chastain Skillman, the City's consulting engineer, to conduct a comprehensive evaluation of the existing Regional Wastewater Treatment Plant Service Area including the entire sanitary sewer collection system and wastewater treatment plant, which identified certain improvements required to serve new development.

The proposed Developer's Agreement is between Property Company of Florida, LLC and the City of Auburndale. The Developer's Agreement states that construction of Lincoln's project cannot go vertical and/or discharge into the City's sewer collection system until the Pace Road Utility Improvements have been completed, permitted, and are operational. Otherwise, the City and Lincoln agree that they can go vertical with construction if they develop and construct a private wastewater disposal system on the Property, which may include, but is not limited to, a septic tank. Lincoln also agrees to connect to the City's Collection System within ninety (90) days from the date they receive written notice from the City that sewage collection service has been made available to the Lincoln Property through construction of the Pace Road Utility Improvements outlined in the Agreement.

In addition, the current capacity of the Regional Wastewater Treatment Plant requires necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansion must run concurrently with the Utility Improvements. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the Utility Improvements. The proposed agreement allows the City to establish Future Land Use and Zoning designations, complete the review of the plat, subdivision development plans, and construction plan documents.

The City and Property Company of Florida, LLC desire to enter into the Agreement to establish the respective rights and obligations between the Property Company of Florida, LLC and the City, in accordance with the terms and conditions of the proposed Developer's Agreement.

The proposed Developer's Agreement was prepared by the Property Company of Florida, LLC and reviewed by the Community Development Director, City Public Utilities Director, City Manager's Office, and the City Attorney.

STAFF RECOMMENDATION: Approval of the proposed Developer's Agreement with Property Company of Florida, LLC and the City of Auburndale.

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AGENDA ITEM 11: CONSIDER INTERLOCAL AGREEMENT WITH POLK COUNTY FOR DONATION OF EQUIPMENT

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider an Interlocal Agreement with Polk County for the release and waiver of liability and indemnification of donated equipment at the newly constructed Event Lake at the Lake Myrtle Sports Complex.

ATTACHMENTS:

- . Interlocal Agreement and Release and Waiver of Liability and Indemnification for Receipt of Donated Equipment

ANALYSIS: In July 2023, the City of Auburndale in partnership with the Polk County Board of County Commissioners and Polk County Tourism and Sports Marketing completed construction of the Championship Event Lake at the Lake Myrtle Sports Complex.

To compliment the project, Polk County purchased and donated to the City a floating dock and portable water-ski jump for the Event Lake.

The proposed Interlocal Agreement with Polk County formally donates the equipment to the City of Auburndale with the acknowledgement that the City will accept all maintenance responsibilities and liability. The proposed Interlocal Agreement also indemnifies Polk County against any and all claims that may arise from the use of the donated equipment.

The proposed Interlocal Agreement and Release and Waiver of Liability and Indemnification for Receipt of Donated Equipment was prepared by Polk County and reviewed by the Parks & Recreation Director, City Manager and City Attorney.

STAFF RECOMMENDATION: Approval of the proposed Interlocal Agreement with Polk County for donated Event Lake equipment.

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**AGENDA ITEM 12: RESOLUTION #2023-02 FL DEPARTMENT OF TRANSPORTATION
MAINTENANCE AGREEMENT**

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a resolution approving an agreement with the Florida Department of Transportation for maintenance along State rights-of-ways.

ATTACHMENTS:

- . Resolution #2023-02 Authorizing FDOT Maintenance Agreement
- . FDOT Maintenance Agreement #BEG27

ANALYSIS: The City and Florida Department of Transportation (FDOT) first entered into an Agreement in 1993 where the City is compensated for maintenance services performed on State roads within the City. These services include mowing, edging, sweeping, and litter removal on SR-544 (Havendale Blvd.) and US Highway 92. Previous agreements did include SR-559 (Main St.). The agreement has subsequently been renewed with the last revision in 2020.

The current Agreement expires in September 2023. The proposed three (3) year Agreement provides annual compensation of \$23,990.16 in each of the three years. This amount is reduced from \$24,986.62 due to the changes in pricing of maintenance activities. This revenue amount is provided in the proposed FY 2024 and FY 2025 Budgets.

The proposed Resolution authorizes the City Manager to execute the current Agreement and subsequent replacement agreements.

STAFF RECOMMENDATION: Approval of the Resolution # 2023-02.

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AGENDA ITEM 13: RESOLUTION #2023-03 BUSINESS IMPACT ESTIMATE POLICY

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider approval of a Resolution adopting a Business Impact Estimate Policy pursuant to Section 166.041(4), Florida Statutes (2023).

ATTACHMENTS:

Resolution #2023-03 Business Impact Estimate Policy

ANALYSIS: Effective October 1, 2023, CS/CS/SB 170, Chapter 2023-309, Laws of Florida, amends Section 166.041 of the Florida Statutes to require preparation of a “business impact estimate” before adoption of a new municipal ordinance. A “business impact estimate” is a written document that contains specific information relevant to the local business community such as:

- A summary of the proposed new municipal ordinance
- An estimate of the direct economic impact of the proposed new municipal ordinance on private, for-profit, businesses;
- An estimate of direct compliance costs that businesses may incur if the proposed new municipal ordinance is adopted;
- Identification of new charges and fees imposed on businesses subject to the proposed new municipal ordinance;
- An estimate of expected regulatory costs and revenues; and
- A good faith estimate of the number of businesses impacted by the proposed new municipal ordinance.

The new business impact estimate statute does not apply to several categories of municipal ordinances such as: (a) ordinances required for compliance with state or federal law; (b) ordinances relating to debt; (c) ordinances relating to the adoption of budgets and revenue sources; (d) ordinances required to implement a contract or agreement; (e) emergency ordinances; (f) procurement ordinances; and (g) ordinances that implement growth policy, planning and land development regulation. The new statute also does not apply to ordinances that implement the Florida Building Code or the Florida Fire Prevention Code.

To ensure compliance with the new business impact estimate statute, a “Business Impact Estimate Policy” has been drafted and attached to proposed Resolution R-23-53 as Exhibit “A”. The policy tracks the language of CS/CS/SB 170 and would require that a business impact estimate be prepared for every non-exempt ordinance introduced before the City Commission after October 1, 2023. The policy also fills in certain gaps left in the statutory language and requires estimates of economic impact, compliance costs, charges or fees, regulatory costs, revenues, and likely number of impacted businesses generated by City Staff to be the product of reasonable and honest efforts (i.e., a “good faith” effort) to convey appropriate and relevant information.

The policy would also require private parties that propose, request, or sponsor a new non-exempt municipal ordinance to generate a business impact estimate at private expense or permit assessment and payment of a "pass through charge" equal to the City's cost to generate an estimate at public expense. The policy reserves authority to the City Manager, or designee, to waive a pass-through charge at their discretion.

STAFF RECOMMENDATION: Approval of Resolution #2023-03 establishing the Business Impact Estimate Policy, authorizing the Mayor and other City officials to execute the same, and the City Manager and/or his designee to take all other necessary actions related thereto.

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AGENDA ITEM 14: **CONSIDER ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE AND IMPLEMENTATION SERVICES WITH ORACLE AMERICA, INC. AND GOVBUILT**

____ INFORMATION ONLY

__X__ ACTION REQUESTED

ISSUE: The City Commission will consider a Public Sector Agreement for Oracle NetSuite Cloud Services and Professional Services Order for implementation with Oracle America, Inc. and a Master Services Agreement with GovBuilt.

ATTACHMENTS:

- . Public Sector Agreement for Oracle Cloud Services – Oracle America, Inc.
- . Professional Services Ordering Document - Oracle America, Inc.
- . Master Services Agreement - GovBuilt

ANALYSIS: In August 2000, the City entered into an agreement with American Data Group (ADG) to provide a financial information management system to support the City’s Finance, Utility Billing and Community Development departments. On September 27, 2022, ADG announced that it was acquired by Tripleview Technologies. City staff have used ADG for the past two decades and though it is still operational, staff is looking for more efficient processes and advanced software.

In 2022, the Community Development Department started to configure a permitting and development software. The software was unable to implement ADG’s legacy data and did not reach full validation and implementation due to software issues with the company.

In September 2022, a Software Committee was formed consisting of Community Development, Finance and IT staff with a goal to discuss all City departments software solutions. Staff discussed modern Enterprise Resource Planning (ERP) software that integrates multiple business functions into one system along with cloud storage capabilities. A thorough discovery phase of ten (10) suppliers was conducted with two companies advancing to a detailed demonstration that was viewed by a cross-functional team from all departments within the City.

The Committee concluded a joint project with Oracle NetSuite and GovBuilt will meet the needs of the City. Oracle NetSuite will provide cash receipting, accounts payable, purchase orders, fixed asset management, human resources, and budgeting and planning. GovBuilt will provide parks and recreation, construction services, planning and zoning and integrate into the newly implemented ePlanSoft site plan review software. Utility Billing will be integrated at a later date by Oracle. The suppliers have the capability to store data in the Cloud, which allows for information to be stored on off-site servers providing better security for the data. The software systems will share data in real-time to create a seamless platform for all City Departments.

The agreement with Oracle America, Inc. for installation and year 1 services totals \$287,867. The agreement with GovBuilt for installation and year 1 services totals \$136,500. Funding for the ERP software and implementation services is budgeted in the FY 2024 Budget in the Finance, Community Development, and Parks & Recreation Departments for their respective costs associated with the project.

The proposed Agreements have been prepared by the City’s Finance Director and reviewed by the City Manager and City Attorney.

STAFF RECOMMENDATION: Authorize the City Manager to execute the Public Sector Agreement and Professional Services Ordering Document with Oracle America, Inc. and the Master Services Agreement with GovBuilt.