

City of Auburndale Commission Minutes September 19, 2023

Minutes of the Regular Meeting of the City Commission of the City of Auburndale held September 19, 2023, 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, Jack Myers, and Bill Sterling. Also, present were: City Manager Jeffrey Tillman, City Attorney Frederick J. Murphy Jr., City Clerk Brandon Henry, and Deputy Police Chief Carin Ketcham.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Clay Bennett, Auburndale Community Church, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Minutes of the City Commission Meeting of September 7, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman said at the last City Commission meeting, we discussed recycling services within the City. One of the things we talked about was getting the word out. He played a recycling informational video produced by staff. He said to get the word out to everybody we decided to put a sticker on each recycling container to reach anybody who does not follow social media or the newspaper. We expect to get those stickers by the end of this month or early October. City Manager Tillman also announced that the City coordinated with the County and the Southwest Florida Water Management District to address flooding on Old Lake Alfred Road.

Public Utilities / Public Works Director John Dickson further detailed the actions taken regarding flooding on Old Lake Alfred Road.

City Manager Tillman said on Monday, September 25th will start the resurfacing project off of Adams Road and Bolender Road. We will be doing door hangers to let the residents know what to expect and do during the street resurfacing. He said last week, we also had a major break on a 12-inch line. Staff was able to repair the break.

Public Works / Public Utilities Director John Dickson presented Travis Hartgraves with his longevity plaque for five years of service.

Parks and Recreation Director Cody McGhee presented Garen Metzger with his longevity plaque for five years of service.

Deputy Police Chief Carin Ketcham presented K-9 Officer Sharon Digennaro (5 years), Detective Kevin Seymour (5 years), Sargent Danny Swan (5 years), and Lieutenant Austin Leal (10 years) with their longevity plaques for years of service. Deputy Chief Ketcham said Officer Francis Maldonado Frontera (5 years) was unable attend tonight.

City Attorney Fredrick J. Murphy Jr. congratulated staff for their longevity.

Mayor Taylor Bogert recognized Greater Auburndale Chamber of Commerce President Alex Cam, who was in attendance.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda.

Carrie Griner, 1054 Lake Ariana Boulevard, said she would like to speak briefly about when development around our residences alters normal drainage patterns. We as residents are often impacted by that construction. In our situation, and predominately her neighbor who unfortunately has medical issues and cannot attend this forum to speak – we have had impacts associated with recent construction, where grubbing has occurred. There are no ponds as depicted on the first plans that we are aware of, and that as we are aware of having not been presently approved. When we alter drainage patterns without stormwater ponds, we are setting ourselves and residents up for failure. She comes before the Commission tonight to say that she cannot imagine anybody being in this situation. It is very frustrating as a 22-year resident to stand here and have to learn what she has gone through the last 90 days. It is not her skillset strength to stand before the Commission and speak about stormwater

drainage, percolation, learning about what clay does when fill is dropped into that drainage. But it is very frustrating as a resident, because she is now looking to purchase flood insurance because of a development. She is not against development, but what she is against is when people do not use common ethics or common sense during that development process, or where she does not feel local government and other entities come together to try to protect those residents. She stands before the Commission not looking for an answer, but to say she is a taxpayer and enjoys the City of Auburndale. She does not want to sell and move, that is not her objective. She has been here a long time. But when we have five to six inches of rain in a short period of time, that does not meet basic drainage requirements, and surely during a hurricane or 100-year storm event. We will look like the road that we talked about earlier. It is a waterfall onto our property. We have pictures, and unfortunately, we are now seeking counsel because of this. She stands before the Commission asking to look at where we are as a City and what we can do to balance development and current residents and what their needs are.

Ken Griner, 1054 Lake Ariana Boulevard, said that he forwarded an email and photos to the Commission of the site. To look at it gives more justification. Just in a normal rainfall event in an evening, stormwater runoff backed up to sedimentation fences, which blew out. Sedimentation went into our neighbor's yard and flooded their home. The gentleman we are talking about cannot be here, as he has cancer. He had quadruple bypass, his wife is ill, and his mother-in-law moved in. Her room flooded. And this was not even a designed storm event. Our properties are unique. State Road 559 over the years has compressed what would naturally be lateral seepage into Lake Ariana. And for that reason, our yards are completely inundated and saturated. So any runoff you get on the property is just like pouring it on asphalt – direct runoff. And where does that direct runoff go? It funnels into our homes. We have not had this problem before, and because of the developer – which is Hulbert Homes, Mark Hulbert and Matthew Johnson, which Matthew Johnson is in another lawsuit with Old Berkley Road. We begged and pleaded. We have asked the City since July 11th weekly that we are going to flood. Things have not progressed. Sedimentation fences are still not put in correctly. There are gaps in it. And we were sure that these things would take place. Besides the sedimentation fences, you should have sedimentation basins to help collect the sedimentation and provide storage prior to construction. And with the construction, they have added 0.3 acres of silt clay material, which has washed into other areas, stopping percolation in these areas – adding to the problem. The Department of Environmental Protection was there today, the developer was planning on having more fill without fixing the sedimentation fences and without providing sedimentation basins, causing a lot more issues resulting in additional flooding that will occur in the future. It is not a matter of if, but a matter of when this will occur. He implores the Commission to look at the photos. In our area, people do not get fined for turbulence, but in South Florida – they would immediately hand out a violation. They have pictures and you can see it. And you have that much water in just a normal storm event. What would happen with back-to-back storms, or a tropical storm? He implores the Commission to look at the photos. If any of you were flooding, I would bend over backwards to help. He spent 20 years as a compliance engineer, and he tries to fix everything he can. He would work for you the same way.

Pamela Sal, 3039 Timothy Avenue, Apartment B, said her concern is that she used to have a landlord, but now she has a slumlord. What can she do or where can she turn to deal with this gentleman and his wife. They are big liars and have not corrected a mold infestation. They rented an apartment to her when they knew it had a mold infestation. It has been keeping her back and forth from her doctor to late night emergency room trips. She is fed up and afraid that somebody is going to come in and find her dead.

City Manager Tillman referred Ms. Sal to Deputy Chief Carin Ketcham. She will get your information and introduce you to code enforcement or other avenues that may be able to get assistance.

Ms. Sal said she also wanted to come out to meet everybody.

Mayor Taylor Bogert presented a Proclamation recognizing the 125th anniversary for St. Alban's Episcopal Church to members of St. Albans Episcopal Church. City Attorney Murphy read the Proclamation.

Mayor Taylor Bogert closed the Regular Meeting and opened the Public Hearing.

1. PUBLIC HEARING – FISCAL YEAR 2023-2024 TAX MILLAGE LEVY & ANNUAL BUDGET

City Manager Tillman said 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. City Manager Tillman presented a schedule of the budget process.

The proposed Budget for Fiscal Year 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. City Manager Tillman presented a slide of contingency changes.

The Proposed Fiscal Year 2024 and 2025 Budgets include 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).

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

The Fiscal Year 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 Fiscal Year 2025 Budget (2nd Year Budget) is also being presented for the Commission's conceptual approval. The Fiscal Year 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.

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. City Manager Tillman thanked staff for their work. Staff recommends approval of the proposed Ordinance establishing the tax millage levy and the proposed Ordinance adopting the Fiscal Year 2024 and Fiscal Year 2025 Annual Budgets.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Mayor Taylor Bogert closed the Public Hearing and reopened the Regular Commission Meeting.

2. ORDINANCE #1755 ADOPTING FISCAL YEAR 2024 TAX MILLAGE LEVY

City Manager Tillman introduced Ordinance #1755. Staff recommends approval.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1755 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ESTABLISHING THE TAX LEVY FOR THE YEAR 2023 ON ALL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF AUBURNDALE AS SHOWN BY THE 2023 ASSESSMENT ROLL: ESTABLISHING THE MILLAGE RATE AT 4.2515, WHICH IS A 8.1% INCREASE OVER THE ROLLED BACK RATE OF 3.9317, AND PROVIDING FOR THE APPLICATION THEREOF; AND PROVIDING FOR AN EFFECTIVE DATE,** by title only.

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1755 adopting Fiscal Year 2024 Tax Millage Levy, as read on second and final reading by title only. Upon vote, all ayes.

3. ORDINANCE #1756 ADOPTING FISCAL YEAR 2024 & FISCAL YEAR 2025 ANNUAL BUDGETS

City Manager Tillman introduced Ordinance #1756. Staff recommends approval.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1756 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, ADOPTING THE FISCAL YEAR 2023-2024 ANNUAL BUDGET; CONCEPTUALLY APPROVING THE FISCAL YEAR 2024-2025 ANNUAL BUDGET; ADOPTING THE FIVE (5) YEAR SCHEDULE OF CAPITAL IMPROVEMENTS (CIP); AND PROVIDING FOR AN EFFECTIVE DATE**, by title only.

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1756 adopting Fiscal Year 2024 & Fiscal Year 2025 Annual Budgets, as read on second and final reading by title only. Upon vote, all ayes.

Mayor Taylor Bogert closed the Regular Meeting and opened the Public Hearing.

4. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – AUBURN LAKES

City Manager Tillman said notice is hereby given that the City Commission of the City of Auburndale, Florida, will hold a public hearing on Tuesday, September 19th, 2023 at 7:00 p.m. in the City Commission Room of City Hall to hear and consider the first reading of a proposed ordinance amending Ordinance No. 752, the City's Comprehensive Plan and Future Land Use Map and Ordinance No. 764, the City's Land Development Regulations and Official Zoning Map.

Community Development Director Julie Womble said 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 Planning Commission recommended 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 recommends approval of the proposed Ordinances amending the Future Land Use Map and Official Zoning Map – Auburn Lakes.

City Manager Tillman said 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.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Mayor Taylor Bogert closed the Public Hearing and reopened the Regular Commission Meeting.

5. ORDINANCE #1757 AMENDING THE FUTURE LAND USE MAP - AUBURN LAKES

City Manager Tillman introduced Ordinance #1757.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1757 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING A PARCEL OF LAND TOTALING +/- 9.11 ACRES FROM CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION MEDIUM DENSITY RESIDENTIAL TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION NEIGHBORHOOD ACTIVITY CENTER; AND PROVIDING AN EFFECTIVE DATE (General Location: Old Dixie Hwy. and Polk County Prkwy.),** by title only.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1757 amending the Future Land Use Map – Auburn Lakes, as read on first reading by title only. Upon vote, all ayes.

6. ORDINANCE #1758 AMENDING THE OFFICIAL ZONING MAP - AUBURN LAKES

City Manager Tillman introduced Ordinance #1758. Staff recommends approval.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1758 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE ZONING MAP BY REZONING A PARCEL OF LAND TOTALING +/- 9.11 ACRES FROM GENERAL RESIDENTIAL-2 (RG-2) TO PLANNED DEVELOPMENT COMMERCIAL-1 (PD-C1); AND PROVIDING AN EFFECTIVE DATE (General Location: Old Dixie Hwy. and Polk County Prkwy.),** by title only.

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1758 amending the Official Zoning Map – Auburn Lakes, as read on first reading by title only. Upon vote, all ayes.

Mayor Taylor Bogert closed the Regular Meeting and opened the Public Hearing.

7. PUBLIC HEARING – FUTURE LAND USE AND OFFICIAL ZONING MAP AMENDMENTS – CLINGERMAN

City Manager Tillman said notice is hereby given that the City Commission of the City of Auburndale, Florida, will hold a Public Hearing on Tuesday, September 19th, 2023, at 7:00 p.m., in the City Commission Room, City Hall, to hear and consider the first reading of a proposed Ordinance amending Ordinance No. 752 the City's Comprehensive Plan and Future Land Use Map and Ordinance No. 764, the City's Land Development Regulations and Official Zoning Map.

Community Development Director Womble said 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. She presented a slide depicting the proposal.

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 Planning Commission recommended approval of the proposed Future Land Use of Commercial Corridor and the Zoning classification of Commercial Highway (CH) – (5-0, 09/05/2023).

City Manager Tillman said 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. Staff recommends approval of the proposed Ordinances amending the Future Land Use Map and Official Zoning Map – Clingerman.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Mayor Taylor Bogert closed the Public Hearing and reopened the Regular Commission Meeting.

8. ORDINANCE #1759 AMENDING THE FUTURE LAND USE MAP - CLINGERMAN

City Manager Tillman introduced Ordinance #1759.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1759 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, BY AMENDING THE FUTURE LAND USE MAP RECLASSIFYING 1 PARCELS OF LAND TOTALING +/- 4.28 ACRES FROM POLK COUNTY FUTURE LAND USE CLASSIFICATION LINEAR COMMERCIAL CORRIDOR (LCC) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION COMMERCIAL CORRIDOR (CC); AND PROVIDING AN EFFECTIVE DATE (GENERAL LOCATION: US Hwy 92 W. and Polk Pkwy.),** by title only.

Motion by Commissioner Hamann, seconded by Commissioner Sterling, to approve Ordinance #1759 amending the Future Land Use Map – Clingerman, as read on first reading by title only. Upon vote, all ayes.

9. ORDINANCE #1760 AMENDING THE OFFICIAL ZONING MAP – CLINGERMAN

City Manager Tillman introduced Ordinance #1760.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1760 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 764, THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF AUBURNDALE, FLORIDA, BY AN AMENDMENT TO THE OFFICIAL ZONING MAP BY ESTABLISHING AUBURNDALE ZONING MAP CLASSIFICATION OF COMMERCIAL HIGHWAY (CH) ON 1 PARCEL OF LAND TOTALING +/- 4.28 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: US Hwy 92 and Polk Pkwy.),** by title only.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Ordinance #1760 amending the Official Zoning Map – Clingerman, as read on first reading by title only. Upon vote, all ayes.

10. CONSIDER DEVELOPER'S AGREEMENT WITH PROPERTY COMPANY OF FLORIDA, LLC – LINCOLN PROPERTY

Community Development Director Womble said 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. She presented a slide depicting the proposal.

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. Staff recommends approval of the proposed Developer's Agreement with Property Company of Florida, LLC and the City of Auburndale.

City Manager Tillman said 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 recommends approval of the proposed Developer's Agreement with Property Company of Florida, LLC and the City of Auburndale.

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to approve the proposed Developer's Agreement with Property Company of Florida, LLC and the City of Auburndale.

Commissioner Myers said he was told the item pertaining to the property across the street was tabled.

Community Development Director Womble confirmed.

Commissioner Myers said that developer was going to make these improvements for the City, which in turn allows these Developer's Agreements to be made.

Community Development Director Womble said that is correct, however they have resubmitted and they are coming before the City Commission on October 2nd, and they have not indicated they are stopping their improvements because they have to also provide those improvements because they have other properties that were already given approval by the Commission over two years ago in their Phase 1 development. They are not allowed to build anything else in their Phase 1 development until they make those improvements.

Commissioner Myers said they would not move forward if they do not get approval by the Commission on the others they brought forward. His question for the City Attorney is that we are approving Developer's Agreements and we are voting again on a proposed agreement, where does it leave the City?

City Attorney Murphy said the Developer's Agreement is not zoning.

Community Development Director Womble concurred.

City Attorney Murphy said we expressly said that zoning is not included in the Developer's contract.

Community Development Director Womble said the Developer's Agreement on the property below this has very clear language that if they do not do improvements, the City has the right to take those improvements and complete them.

City Attorney Murphy concurred.

Community Development Director Womble said it is very clear knowledge.

Commissioner Myers said it is an expense to the City.

Community Development Director Womble said that is correct, but we outlined everything in that development agreement because we have other development that is coming to an area that we would not want to hinder based on south Pace Road.

Commissioner Myers said he does not want us to get in the situation where the City is going to have a huge sewer improvement here and not a developer because we did not approve the request of a developer. He knows they are not tied together, but that is the reality.

City Attorney Murphy said he understands. But he will say the agreements allow for full protection to the City. Staff has discussed this issue. We believe the agreements are appropriate and will cover and protect the citizens of the City as best we can. As far as the other approval with Intersect, time will tell. We would not want any preconceived ideas regarding approval.

Community Development Director Womble said that is a wonderful comment. This is allowing us to go forward with the Department of Environmental Protection. It also allows them to get to other agencies they need to. This is not saying we are allowing for the Zoning or the Future Land Use.

Commissioner Myers said he understands. He is just saying that because in the agreements, we are going to foot the bill to do those improvements and we do not have that budgeted in next year's budget, and he does not know what that cost would be. That is his concern.

City Manager Tillman said there is still a portion of the Pace Road Master Lift Station project that is a City responsibility. There are several different scenarios, but it is a budgeted item.

City Attorney Murphy said it is a pretty significant part of the project.

Commissioner Myers said he has been assured.

Upon vote, all ayes.

11. CONSIDER INTERLOCAL AGREEMENT WITH POLK COUNTY FOR DONATION OF EQUIPMENT

City Manager Tillman said 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 complement the project, Polk County purchased and donated to the City a floating dock and portable water-ski jump for the Event Lake. City Manager Tillman presented photos of the donation.

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 recommends approval of the proposed Interlocal Agreement with Polk County for donated Event Lake equipment. This will go before the Board of County Commissioners following the discussion tonight.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve the Interlocal Agreement with Polk County for Donation of Equipment. Upon vote, all ayes.

12. RESOLUTION #2023-02 FLORIDA DEPARTMENT OF TRANSPORTATION MAINTENANCE AGREEMENT

City Manager Tillman said the City and the 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 Fiscal Year 2024 and Fiscal Year 2025 Budgets.

The proposed Resolution authorizes the City Manager to execute the current Agreement and subsequent replacement agreements. Staff recommends approval of Resolution # 2023-02.

City Attorney Frederick J. Murphy Jr. read Resolution No. 2023-02 entitled: **A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE ON BEHALF OF THE CITY AN AGREEMENT BETWEEN THE CITY OF AUBURNDALE AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE MAINTENANCE OF CERTAIN STATE ROADS**, by title only.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to approve Resolution #2023-02 Florida Department of Transportation Maintenance Agreement.

Commissioner Hamann asked if City Manager Tillman can explain the maintenance activities.

City Manager Tillman explained and clarified the maintenance activities. We also have a police officer that follows maintenance crews to direct traffic. The portion that we receive from the State probably does not cover our expenses there because we go above and beyond what is the minimum required that they pay for.

Commissioner Hamann said so for the next contract we will include the people that go out there to protect them.

City Manager Tillman said that is something we added for the safety of our employees. They will not cover that expense. They have a set standard of what they cover. We do that to go above and beyond to protect our employees.

Commissioner Myers said these are gateways into our City and are well worth our taxpayers dollars to make it attractive and something to be proud of.

Upon vote, all ayes.

13. RESOLUTION #2023-03 BUSINESS IMPACT ESTIMATE POLICY

Community Development Director Womble said 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:

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- 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.

Community Development Director Womble presented a slide depicting the proposal.

To ensure compliance with the new business impact estimate statute, a "Business Impact Estimate Policy" has been drafted and attached to proposed Resolution 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.

City Manager Tillman says staff recommends 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. He noted the City Attorney had a lot of input into drafting the resolution and policy.

City Attorney Murphy said the Business Impact Statement does apply in only limited circumstances. There are a number of things that the governing body does in adopting ordinances that the City Manager and staff would recommend that are nearly exempt from the requirement. If the Commission decided to put requirements on, it could – but he is not recommending it. He gave examples of the type of ordinances that would be applicable to this. This is an effort to adopt a policy so that we have a good clear protocol in place so that our ordinances are legally sound. We felt this was a good idea to have codified.

Commissioner Myers asked if anybody can answer why this legislation was proposed. The Florida League of Cities probably opposed it because it takes away home rule.

Mayor Taylor Bogert, Commissioner Hamann, and staff provided history regarding the legislation.

Mayor Taylor Bogert asked how does it impact Community Redevelopment Agencies?

City Attorney Murphy answered Community Redevelopment Agencies do not adopt ordinances, it would affect the City Commission. We would look at it by a case-by-case basis.

City Attorney Frederick J. Murphy Jr. read Resolution No. 2023-03 entitled: **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AUBURNDALE, FLORIDA RELATING TO MUNICIPAL REGULATION; MAKING FACTUAL FINDINGS; ADOPTING CITY POLICY REGARDING THE PREPARATION AND DISSEMINATION OF BUSINESS IMPACT ESTIMATE STATEMENTS PRIOR TO ADOPTION OF CERTAIN PROPOSED MUNICIPAL ORDINANCES; ADOPTING PROCEDURES REQUIREMENTS AND EXEMPTIONS FOR THE PREPARATION AND DISSEMINATION OF BUSINESS IMPACT ESTIMATE STATEMENTS; PROVIDING FOR CONFLICTS, SEVERABILITY, THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE,** by title only.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Motion by Commissioner Sterling, seconded by Commissioner Myers, to approve Resolution #2023-03 Business Impact Estimate Policy. Upon vote, all ayes.

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

Community Development Director Womble said 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.

Community Development Director Womble presented a slide depicting the process and schedule of the project. 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. Community Development Director Womble presented a slide summarizing the background of the companies and respective software.

Finance Director Reeder presented a slide depicting a timeline of the implementation process. He presented a slide depicting pricing of the software. He presented a slide depicting funding sources for the software.

Finance Director Reeder presented slides depicting screenshots of the software.

Community Development Director Womble presented slides depicting screenshots of the software.

City Manager Tillman provided a history of the project.

He said 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 Enterprise Resource Planning software and implementation services is budgeted in the Fiscal Year 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 recommends authorizing 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.

Mayor Taylor Bogert asked for public comment. There was no public comment.

Motion by Commissioner Cowie, seconded by Commissioner Hamann, to 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.

Commissioner Myers asked if any other companies came close?

Finance Director Reeder said that we shortlisted two organizations. We asked two of these to be a group. There was a third that became the second shortlisted organization. They were similar, but we felt it was a shinier version of ADG, and we collectively did not feel it would advance us. He said that Information Technology Director Jee Kim said that security of that other software was not as robust as what we would have with Oracle, and that was one of the key things he was looking for.

Commissioner Myers asked how new is this software? All three of their references are from Kansas.

Finance Director Reeder said GovBuilt is based out of Kansas. They have a big presence in the Midwest. Oracle has an implementation in Lake Alfred, and another city in Connecticut.

Community Development Director Womble said that the Polk County Board of County Commissioners uses Oracle.

Commissioner Myers asked if we have talked to Lake Alfred and Polk County?

Finance Director Reeder said that he and the Finance Director in Lake Alfred actually sat in joint presentations and demonstrations with a lot of vendors, because we were both going down the same path together. It was easier to sit in together, and we both had questions that could benefit each other. We collaborated a lot through that process. Then he separated from her and then our committee took the lead, to understand all the software and how it interacts with Community Development's component when we started looking at it holistically on a City level.

Community Development Director Womble said we looked at a lot of different software, but the problem that we had was that it was à la carte. You had multiple things. Then it maybe would not talk to Oracle or whatever software the Finance Department would be using. We really wanted it to be seamless for our customers and as staff not having to pull reports from multiple software. We had the top two contenders, Oracle/GovBuilt, and the second company that Mr. Reeder is discussing – come on site and met with employees for several days, with full live demonstrations. She concurred with Finance Director Reeder in that the second company was a shiner

version of ADG, and was a little more expensive – and that in 10 years we would be in trouble again because it did not have the ability to integrate new things. That was one of the things we asked – how often do they update the software and push out new ideas from customers. They answered they do not. Oracle/GovBuilt indicated they do. We felt this was a higher-level approach to software that would fit our needs better.

Commissioner Myers said he did not know if it is the “Cadillac” i.e., high end software, and would be a lot of money.

Finance Director Reeder said it is not the “Cadillac” i.e., high end software. There is an entity out there that we looked at that would be considered the big gorilla in the government software space. He felt they were too big, we would have to conform to what they wanted. He thinks in selecting Oracle/GovBuilt, we get to make sure that the software is customized to our processes as much as we can. We felt they cared more about us than we cared about their software. We feel good about these entities. Their Information Technology groups are already talking to each other.

Community Development Director Womble said they have also set up meetings with the ePlan software for site plan reviews. So they have all that data for implementation. Both companies will come on site to meet with staff, review our processes and legacy software, and see how they can make improvements. It was impressive, other companies did not do that – they just did it online and provided remote support.

Mayor Taylor Bogert said that when you integrate across departments to create a seamless product for staff and customers, it has a lot of adaptability, which is what we need. It will also help with upcoming legislation.

Commissioner Myers asked if we talked to any customers regarding their thoughts?

Community Development Director Womble answered no because behind the scenes the customer will still be going on our website. This is more helpful with the reporting. She said we looked at other companies that were bigger, but GovBuilt is the right size for our community. It is the baby of Acella, which is what the County uses – in that Acella is so large that we cannot make it all work. We did not talk to customers individually, but we can do that and have soft openings, which we have done with the ePlan software.

Commissioner Sterling asked if the software will give the data the auditor wants easier?

Finance Director Reeder said he feels it will streamline a lot of our data collection that the auditor needs. We are efficient today because we have been on ADG for 20 years, so he is familiar with the dataset because he has a lot of clients with it. But if you recall, he said that cities are starting to outgrow ADG, which is where we are at now.

Upon vote, all ayes.

The Meeting was adjourned at 8:39:35 p.m.

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



Brandon Henry, City Clerk