
Minutes of the Regular Meeting of the City Commission of the City of Auburndale held December 18, 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, Alex Cam, Jordan Helms, and Bill Sterling. Also, present were: City Manager Jeffrey Tillman, City Attorney Frederick J. Murphy Jr., City Clerk Brandon Henry, and Police Chief Terry Storie.

Mayor Dorothea Taylor Bogert declared a quorum present, and the Meeting was opened with prayer by Forest Antemesaris, Orange Street Church of Christ, and a salute to the flag.

Motion by Commissioner Cowie, seconded by Commissioner Sterling, to approve Minutes of the City Commission Meeting of December 4, 2023. Upon vote, all ayes.

City Manager Jeffrey Tillman announced the Police Department has two new police motorcycles that were featured in the Havendale Christmas Parade. He announced that Ordinance #1768 has been pulled at the request of the applicant – it will be considered at a future date and will need to be readvertised for second reading.

City Manager Tillman presented Information Technology Director Jee Kim with his longevity plaque for five years of service.

City Manager Tillman announced that City Hall's Christmas lights were featured on Fox 13 news. He played a clip of the news feature. He thanked the Streets Division for their work.

City Attorney Frederick J. Murphy Jr. wished everybody a blessed and happy holiday season.

Mayor Taylor Bogert asked if there was public comment on any item not on the agenda. There was no public comment.

City Manager Tillman said the representatives for the proclamation recognizing the 56th Anniversary of the Agricultural and Labor Program, Inc., are unable to attend this evening. It will be mailed to them for recognition.

1. ORDINANCE #1761 – AMENDING THE FUTURE LAND USE MAP – LINCOLN GROUP PROPERTY

Community Development Director Julie Womble said there are two actions before the City Commission this evening. This is the second reading. The Lincoln Group, LLC (Lincoln) has requested to establish a Future Land Use designation of Regional Activity Center (RAC) on +/- 75.89 acres located north of Pace Road and east of the Polk Parkway.

In 2022, the property was annexed into City limits and the City Commission held a Transmittal Public Hearing prior to sending the proposed Future Land Use Map amendment to the Department of Economic Opportunity (DEO) now known as the Department of Commerce for an expedited State review. The State reviewed the requested land use change and had no comments or objections. The Planning Commission recommended approval of the Future Land Use Map amendment (5-0, 12/06/2022).

On September 19th, 2023, a Developer's Agreement, regarding sewer capacity improvements, was signed between the City and the Property Company of Florida (Lincoln).

Community Development Director Womble presented and explained slides outlining Comprehensive Plan policies for the Regional Activity Center Future Land Use category. She presented a map depicting Future Land Uses within an area referred to as the Innovation District and which lands are also within the jurisdiction of Auburndale, Lakeland, and Polk County. She presented and explained a slide outlining Land Development Regulations for the Industrial Planned Unit Development zoning category. She presented and explained slides depicting the proposed binding site plan and uses. After the last meeting, the developer has also added a two-

foot berm under the solid six-foot wall, creating a minimum eight-foot visual barrier which has been incorporated into the binding site plan.

The proposed Ordinances and the binding site plan meet all requirements for parking, landscape buffers and building setbacks per the City of Auburndale's Land Development Regulations. The requested Zoning District of Industrial Planned Unit Development (IPUD) is consistent with the requested Future Land Use of Regional Activity Center, City of Auburndale's Comprehensive Plan, and all Land Development Regulations. Staff recommends approval of the proposed Ordinances amending the Future Land Use and Official Zoning Maps.

Tim Campbell with the Law Firm of Clark, Campbell, Lancaster, Workman, & Airth, 500 S Florida Avenue, Lakeland, representing the applicant, said the only thing that has changed since the last hearing is the addition of the berm between the front outparcels and rear parcels. He welcomed the new Commissioners, and he understands they were in the audience at the previous hearing and were able to hear his previous presentation. Mr. Campbell offered to present it again if desired. Mr. Campbell requested the opportunity to respond to public testimony regarding his client's applications. This was a work in progress. His client's plans were not acceptable to the City initially, but the applicant worked with the City to evolve the plan into something that is acceptable. Mr. Campbell and his client met with community partners to address the community partners' objections. Mr. Campbell observed that the community partners have not been present since then because his client-the applicant-addressed and changed the development plan to address the community partners' objections.

City Manager Tillman said 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 November 20, 2023, and are being presented for second and final reading. The Planning Commission recommended approval of the Future Land Use Map amendment (5-0, 12/06/2022); the Motion to approve the Official Zoning Map amendment was denied by the Planning Commission (3 no - 2 yes, 10/03/2023), requiring a supermajority vote from the City Commission for approval. Staff recommends approval.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1761 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING ORDINANCE NO. 752, THE COMPREHENSIVE PLAN OF THE CITY OF AUBURNDALE, FLORIDA, AMENDING THE FUTURE LAND USE MAP BY RECLASSIFYING PARCELS OF LAND TOTALING +/- 75.89 ACRES FROM POLK COUNTY FUTURE LAND USE MAP CLASSIFICATION INTERCHANGE ACTIVITY CENTER-X (IAC-X) TO CITY OF AUBURNDALE FUTURE LAND USE CLASSIFICATION REGIONAL ACTIVITY CENTER (RAC); AND PROVIDING AN EFFECTIVE DATE (General Location: North Pace Road and Polk County Parkway)**, by title only.

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

Motion by Commissioner Sterling, seconded by Commissioner Cam, to approve Ordinance #1761 amending the Future Land Use Map – Lincoln Group Property, as read on second and final reading by title only.

Commissioner Sterling said we were copied to something that appeared in the Ledger. Did we receive any feedback from the City of Lakeland?

Community Development Director Womble answered that she knows the City Manager talked to their City Manager, but the City of Lakeland has not created an organized front to come out tonight.

City Manager Tillman said there were no additional comments from the City of Lakeland other than the City of Lakeland staff comments that were originally provided at the public hearing at the City Commission meeting on November 20, 2023.

Commissioner Helms said the major point of contention from community partners and residents has been the inclusion of distribution as a primary function. He thanked the Lincoln Group for providing explanation, and

Community Development Director Womble for breaking it down as to how it fits into regulation. He asked if we are in the process of modifying our code to disallow distribution in the remainder of the Innovation District.

Community Development Director Womble answered that several meetings ago, Commissioner Cowie with unanimous consensus from the Commission requested staff start the analysis process for establishing code for the Innovation District. The rough draft has been provided to the City Attorney. We will start lightly with creating the boundary maps and definitions of the visioning that was originally established in the Memorandum of Understanding. The ability to limit a use takes a little bit of analysis and time. We have to look at entitlements on properties, and the visioning of both the area and surroundings. It is underway, which is good and will reassure the Commission that we are in the right direction.

City Manager Tillman said that staff has been in coordination, and we are hoping for a February Planning Commission to work through all the analysis.

Upon vote, all ayes.

2. ORDINANCE #1762 – AMENDING THE OFFICIAL ZONING MAP – LINCOLN GROUP PROPERTY

City Manager Tillman introduced Ordinance #1762.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1762 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 ESTABLISHING A CITY OF AUBURNDALE ZONING MAP CLASSIFICATION OF INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) ON PARCELS OF LAND TOTALING +/- 75.89 ACRES; AND PROVIDING AN EFFECTIVE DATE (General Location: North Pace Road and Polk Parkway)**, by title only.

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

Motion by Commissioner Sterling, seconded by Commissioner Cowie, to approve Ordinance #1762 amending the Official Zoning Map – Lincoln Group Property, as read on second and final reading by title only. Upon vote, all ayes (unanimous).

3. ORDINANCE #1767 AMENDING FISCAL YEAR 2022-2023 ANNUAL BUDGET

City Manager Tillman said in accordance with Florida Statutes, adopted auditing practices, and on the recommendation of the City's Auditor, the City needs to amend by Ordinance for the Fiscal Year 2022-2023 Annual Budget to properly appropriate for revenue and expenditures that may have exceeded budgeted amounts. As provided by Ordinance No. 1026, the level of budgetary control for the City's Annual Budget is at the Fund Level. Events occur during each fiscal year, which were not anticipated at the time of budget approval. The proposed Ordinance amends the Fiscal Year 2022-2023 Budget to reflect the collection of unanticipated revenue and appropriation for unanticipated expenditures. He presented and explained a slide depicting a table of the amended budget.

The proposed Ordinance was prepared by the Finance Director and reviewed by the City Manager and City Attorney. The proposed Ordinance was approved on first reading November 20, 2023, and is being presented for second and final reading. Staff recommends approval of Ordinance #1767 Amending the Fiscal Year 2022-2023 Budget.

City Attorney Frederick J. Murphy Jr. read Ordinance No. 1767 entitled: **AN ORDINANCE OF THE CITY OF AUBURNDALE AMENDING ORDINANCE NO. 1717 AMENDING APPROPRIATIONS OF FUNDS FOR THE FISCAL YEAR 2022 - 2023 BUDGET**, by title only.

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

Motion by Commissioner Cowie, seconded by Commissioner Helms, to approve Ordinance #1767 amending the budget, as read on second and final reading by title only. Upon vote, all ayes.

4. CONSIDER DEVELOPER'S AGREEMENT WITH BROOKLANE DEVELOPMENT, LLC

City Manager Tillman said on September 8, 2021, Brooklane Development, LLC (Brooklane) received approval of a Suburban Planned Development (SPD) by the Polk County Board of County Commissioners for up to 415 single-family detached dwelling units. Although the properties are not located within City limits, they are located within the City of Auburndale's Utility Service Area requiring a Developer's Agreement for wastewater utility services.

In May 2022, the City notified Brooklane Development that the City's sewer collection system needed to be studied and possibly upgraded to support new development, including Brooklane's development. The City requested Chastain Skillman, the City's consulting engineer, to conduct a comprehensive evaluation of the existing City Regional Wastewater Treatment Plant Service Area including the entire City sanitary sewer collection system and wastewater treatment plant. The evaluation was completed in May of 2023 and identified certain improvements required to serve new development.

The proposed Developer's Agreement is between Brooklane Development, LLC and the City of Auburndale. The Developer's Agreement states that construction of the Brooklane project cannot go vertical and/or discharge into the City's wastewater system until the construction of the Pace Road Utility Improvements and the Southern Force Main re-route have been completed, permitted, and are operational. These Utility Improvements were identified by the City's Utility Evaluation as necessary in order to allow development on the property and future development in the area. The City Manager made reference to a map depicting the proposal. The current capacity of the City's Regional Wastewater Treatment Plant will require necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansions must run concurrently with the Utility Improvements. The Agreement acknowledges that the City makes no representations or warranties as to when such Utility Improvements will commence or be completed. The proposed Developer's Agreement allows Polk County to complete the review of the plat, subdivision development plans, and construction plan documents.

The City and Brooklane Development, LLC desire to enter into the Developer's Agreement to establish the respective rights and obligations of Brooklane Development, 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 Brooklane Development, LLC and reviewed by the Community Development Director, City Manager's Office, City Public Works Director and the City Attorney. Staff recommends approval of the proposed Developer's Agreement with Brooklane Development, LLC.

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

Motion by Commissioner Cam, seconded by Commissioner Helms, to approve the proposed Developer's Agreement with Brooklane Development, LLC.

Commissioner Cowie said previous developer's agreements have been with properties within the City limits. He thinks this is the first one that is outside the City limits. So we have no say as to the development that will take place?

City Attorney Murphy answered no as to any development related land use and zoning and/or construction permits other than the provision of water and wastewater utilities as the subject property is outside the jurisdiction of the City (i.e. outside the municipal limits of the City).

City Manager Tillman said it would have to go through Polk County's planning staff to meet the County's code.

Commissioner Cowie asked if we have no recourse in this situation?

City Attorney Murphy said we do not have jurisdiction to impose our Land Development Regulations or standards therein on this particular development. We do have contractual obligations and rights that we can enforce as it relates to the provision of utility services. We limited the agreement to those issues. If this property was in the City, we would be the regulatory entity that would issue permits and examine plans in order to confirm that development was consistent with the City's Land Development Regulations and Code of Ordinances. In this case, Polk County will be doing it. He assumes they will be doing that with some degree of coordination with our Public Utilities and Community Development Departments.

City Manager Tillman said we also worked with County staff to make them aware of this Developer's Agreement, and that there are utility limitations within the City of Auburndale until some of the Utility Improvement projects are completed. So they are aware of what is within this Developer's Agreement.

Commissioner Cowie said he is not as concerned about providing utilities, he is more concerned with the development that is taking place there. Quite often, they will happen in the County and they will be very close to the City boundaries. We are trying to have a set standard within the City, and this will be far from our expectations for better built communities. He wanted to voice that concern.

Mayor Taylor Bogert concurred.

Commissioner Sterling asked if we are providing water and sewer?

City Manager Tillman answered yes. There are utilities out in that area that they can hook in to.

Mayor Taylor Bogert said she concurred with Commissioner Cowie. She said she asked that same question to City Manager Tillman. Unfortunately, we have no say over that, but it does not mean it makes her happy.

Upon vote, all ayes.

5. CONSIDER RANKINGS OF PLANNING CONSULTANTS FOR THE AUBURNDALE 2050 COMPREHENSIVE PLAN AND LAND DEVELOPMENT REGULATIONS UPDATE

Community Development Director Womble said on September 15, 2023, a Request for Qualifications (RFQ) was advertised for the Auburndale 2050 Comprehensive Plan and Land Development Regulations Update. The purpose for the Request for Qualifications is to evaluate the City's current 2030 Comprehensive Plan, develop and update the City's 2050 Comprehensive Plan, and update Auburndale's Land Development Regulations.

The Comprehensive Plan update needs to address the 2024 Evaluation and Appraisal Report (EAR), update State requirements, existing conditions, look at visioning, growth, annexation, and development opportunities. The Land Development Regulations update will update any outdated code, calculations, improve organization, incorporate diagrams and tables, address lacking code, and implement amendments made over the years.

The Request for Qualifications asked for consulting firms to complete the updates through a multi-phase approach with the first phase addressing the 2050 Comprehensive Plan update and the 2024 Evaluation and Appraisal Report. The second phase will address the Land Development Regulations update. The entire project is expected to be completed within three years.

A Selection Committee, made up of City Staff, met to rank the proposals on November 17, 2023 at a publicly noticed meeting. Four proposals were received and the Selection Committee requested the top two firms make presentations to the Selection Committee on December 8, 2023. Following the presentations, the results of the final rankings were announced and are as follows:

1. Inspire Placemaking Collective
2. Kimley-Horn
3. Benesch
4. JBPro

Approval of the rankings by the City Commission will authorize the City Manager to commence negotiations for services with the top ranked firm, Inspire Placemaking Collective. State Statute and the Request for Qualifications provide that negotiations would continue with the second rank firm, and then the third rank firm if the City cannot negotiate a satisfactory contract with the firm being engaged. A final 2050 Comprehensive Plan and Land Development Regulations Update contract will be presented to the City Commission at a later date after successful negotiations. Staff recommends approval of the rankings for the 2050 Comprehensive Plan and Land Development Regulations Update project. She said the Committee felt very confident about the rankings.

City Manager Tillman said there were four responses to Request for Qualifications received. Staff ranked those and asked the top two to make a presentation to further clarify the ranking results. This allows us to negotiate with Inspire Placemaking Collective, and then if not successful – to proceed in negotiation with the next ranked firm. We will come back at a later date with a contract to allow that planning process to start. Staff recommends approval.

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

Motion by Commissioner Helms, seconded by Commissioner Cowie, to approve the rankings for the 2050 Comprehensive Plan and Land Development Regulations Update project. Upon vote, all ayes.

Mayor Taylor Bogert wished everybody a Merry Christmas and a happy and blessed 2024.

The Meeting was adjourned at 7:43:50 p.m.

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



Brandon Henry, City Clerk