



City of Auburndale

AUBURNDALE, FLORIDA 33823

CITY COMMISSION MEETING **May 20, 2024 - 7:00 P.M.** **COMMISSION ROOM/CITY HALL**

Office of the City Manager

P.O. Box 186
(863) 965-5530

Email: cmo@auburndalefl.com

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 – 05/06/2024

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

PROCLAMATION – Nation Public Works Week – May 19 – 25, 2024

AGENDA

1. **PUBLIC HEARING** – ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – AUBURN LAKES
2. ORDINANCE #1769 ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – AUBURN LAKES
3. **PUBLIC HEARING** – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – INNOVATION DISTRICT
4. ORDINANCE #1770 AMENDING LAND DEVELOPMENT REGULATIONS TEXT – INNOVATION DISTRICT
5. ORDINANCE #1771 – ANNEXING PROPERTY INTO CITY LIMITS – DOVE'S VIEW SUBDIVISION
6. **PUBLIC HEARING** – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – FOOD TRUCKS
7. ORDINANCE #1772 – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – FOOD TRUCKS
8. ORDINANCE #1773 – AMENDING POLICE OFFICERS PENSION TRUST PLAN
9. ORDINANCE #1774 – AMENDING FIREFIGHTERS PENSION TRUST PLAN

Community Redevelopment Agency (CRA) Meeting following 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 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
May 20, 2024**

AGENDA ITEM 1: PUBLIC HEARING – ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – AUBURN LAKES

AGENDA ITEM 2: ORDINANCE #1769 ESTABLISHING COMMUNITY DEVELOPMENT DISTRICT – AUBURN LAKES

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will take public comment and consider an Ordinance establishing the Community Development District for Auburn Lakes.

ATTACHMENTS:

- . Notice of Public Hearing – 04/19/2024, 04/26/2024, 05/03/2024, 05/10/2024
- . Proposed Ordinance #1769 Establishing Community Development District – Auburn Lakes
- . Petition To Establish Auburn Lakes Community Development District & Pre-Filed Testimonies

ANALYSIS: Auburn Lakes, LLC has filed a petition with the City of Auburndale pursuant to Section 190.005(2)(a), Florida Statutes to establish the Auburn Lakes Community Development District (CDD) for the Auburn Lakes Preserve Subdivision.

Chapter 190 of Florida Statutes allows a developer to petition to establish a CDD for the purpose of managing the provision of infrastructure improvements and public services including funding. The proposed CDD is comprised of approximately +/- 255.05 acres, generally located south of Old Dixie Highway and west of the Polk Parkway. The subject site has Future Land Use designations of Low Density Residential, Medium Density Residential, and Neighborhood Activity Center with Zoning classifications of General Residential-1, General Residential-2, Planned Development Commercial-1.

The petitioner has proposed to establish the CDD to finance, construct, and install improvements and facilities to benefit the lands within the District in multiple phases over an estimated two (2) year period commencing in 2024. The petitioner has proposed a summary of infrastructure that will be constructed through the establishment of the CDD such as stormwater facilities, roadway improvements, water, sewer, lift stations, conduit, landscaping, hardscaping, irrigation, amenities and park facilities, offsite improvements, conservation and mitigation, professional services, and offsite improvements. Costs not funded by bonds will be funded by the developer.

The Auburn Lakes CDD will consist of a five (5) member Board of Supervisors having the authority to oversee the installation of infrastructure improvements and secure financing within its boundaries. All meetings are open to the public and are subject to all applicable Government in the Sunshine laws. In the event that the established CDD is terminated for any reason, the City shall in no way be required to accept ownership and/or maintenance responsibility for any proposed infrastructure that is necessary for the development in the District without the City's express written consent. In the event of termination, the CDD shall be responsible for ensuring the transfer of such ownership and maintenance responsibilities to an appropriate entity other than the City as authorized by law.

PUBLIC NOTIFICATION REQUIREMENTS: In accordance with Chapter 190 of Florida Statutes, the petitioner published public notice of this request in a local newspaper for four (4) consecutive weeks prior to the second reading on May 20, 2024 and public hearing of the Ordinance.

FINANCIAL IMPACT: There is no direct financial impact to the City as a result of this request; however, upon development of the CDD, the City will receive a budget and schedule of meetings annually.

The proposed Ordinance and Petition for the Community Development District were prepared by the attorney representing the development with extensive review by the Community Development Department, City Manager and the City Attorney. The proposed Ordinance was approved on first reading April 15, 2024, and is being considered for second and final reading.

STAFF RECOMMENDATION: Approval of Ordinance #1769 establishing the Community Development District for Auburn Lakes.

**City Commission Meeting
May 20, 2024**

**AGENDA ITEM 3: PUBLIC HEARING – AMENDING LAND DEVELOPMENT REGULATIONS TEXT –
CENTRAL FLORIDA INNOVATION DISTRICT**

**AGENDA ITEM 4: ORDINANCE #1770 AMENDING LAND DEVELOPMENT REGULATIONS TEXT –
CENTRAL FLORIDA INNOVATION DISTRICT**

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will take public comment and consider a proposed text amendment to the Land Development Regulations establishing the Central Florida Innovation District in Chapter 15, Special Overlay Districts.

ATTACHMENTS:

- . Notice of Public Hearing – 05/10/2024
- . Proposed Ordinance #1770 Amending Land Development Regulations Text – Central Florida Innovation District

ANALYSIS: On September 5, 2019, the City of Auburndale, the City of Lakeland, and the Polk County Board of County Commissioners entered into a Memorandum of Understanding (MOU) to create a cohesive vision among the three agencies to work together to support an Innovation District.

The MOU established a common vision for the District, provides communication requirements between the entities, and coordinates supportive services. However, at the time text was not included in the City’s Land Development Regulations did not provide for the location and development guidelines for the Central Florida Innovation District.

The proposed Ordinance establishes a boundary map, guidelines, and regulations within the City of Auburndale’s Land Development Regulations with targeted industries for the Central Florida Innovation District to include:

- . Research and Development
- . Health Tech
- . Information Sciences and Engineering
- . Advanced Manufacturing
- . Mobility and Innovation

The proposed Ordinance establishes design standards for docks, truck courts, buildings size and depth, truck routing, buffering, landscaping and walls, and signage. Gateways to the Innovation District are also identified. All development within the Central Florida Innovation District shall also meet requirements outlined in Chapter 15, Special Overlay District, Article 3.

Prohibited uses include:

- . Cross docks.
- . Docks located in the front of the building.
- . Buildings over 200,000 square feet.
- . Outdoor storage.
- . No activity shall be conducted that produces noise, odors, dust, fumes, fire hazard, or other nuisance beyond the property lines.
- . Medium and Heavy Manufacturing.

The proposed Ordinance was prepared by the Community Development Director and reviewed by the City Manager's Office and the City Attorney. The proposed Ordinance was approved on first reading May 6, 2024, and is being presented for second and final reading.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Land Development Regulations text amendment (3-1, 03/05/2024)

STAFF RECOMMENDATION: Approval of proposed Ordinance #1770 amending Land Development Regulations text – Central Florida Innovation District.

**City Commission Meeting
May 20, 2024**

AGENDA ITEM 5: **ORDINANCE #1771 – ANNEXING PROPERTY INTO CITY LIMITS – DOVE’S VIEW SUBDIVISION**

 INFORMATION ONLY

 X ACTION REQUESTED

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

ATTACHMENTS:

Proposed Ordinance #1771 Annexing Property into City Limits – Dove’s View Subdivision

ANALYSIS: The City received a voluntary annexation petition on November 15, 2005 from Jando Inc. of 384 Winter Ridge Blvd, Winter Haven, Florida, to annex +/-28.85 acres of vacant property into the City limits. At the time the petition was received the property was not contiguous to city limits and the City could not take action on the signed voluntary annexation petition.

The property has since been developed as a single-family subdivision in unincorporated Polk County known as the Dove’s View Subdivision. The subdivision consists of 60 single-family residential lots located off CR-559 and Sutton Road. The property became contiguous and adjacent to City limits as a result of annexing the Lanier properties to the east in May 2022. The annexation does not create an enclave. The proposed annexation is as a result of the City being contiguous and able to provide services to the Subdivision. City Staff met with the Dove’s View Subdivision Homeowners Association on February 29, 2024, to discuss the process of annexation.

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. The proposed Ordinance was approved on first reading May 6, 2024, and is being presented for second and final reading May 20, 2024.

STAFF RECOMMENDATION: Approve Ordinance #1771 annexing the Dove’s View Subdivision into the City limits.

**City Commission Meeting
May 20, 2024**

AGENDA ITEM 6: PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – FOOD TRUCKS

AGENDA ITEM 7: ORDINANCE #1772 – AMENDING LAND DEVELOPMENT REGULATIONS TEXT – FOOD TRUCKS

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will take public comment and consider a proposed text amendment to the Land Development Regulations regarding food trucks.

ATTACHMENTS:

- . Notice of Public Hearing – 04/24/2024
- . Ordinance #1772 Amending Land Development Regulations Text – Food Trucks
- . Planning Commission Minutes – 05/07/2024

ANALYSIS: In August 2022, staff requested the City Commission table a proposed Ordinance regarding food trucks to a later date to allow for further research and to comply with State Statutes. State Statute preempts local governments from requiring a separate license, registration, or other permit or fees other than the license required by the State, and from prohibiting mobile food vendors/food trucks from operating within the entirety of the City. Currently, the City does not have Land Development Regulations to define or allow for food trucks within City limits. Staff has conducted research to provide definitions in Chapter 4 and guidelines in Chapter 5 of the Land Development Regulations to allow for food trucks within certain uses.

The proposed Ordinance adds regulations to Chapter 5 that would provide the intent, applicability, permitting and location requirements for food trucks. Food trucks would be allowed at permitted use locations only including tourism destinations, breweries, and for approved special events.

Food Trucks associated with a Special Event shall only be allowed to operate in accordance with a Special Event approval two times a calendar year, for the duration of one day, between the hours of 8:00 a.m. and 10:00 p.m., at a planned activity by a group, such as a HOA, a sporting event, business grand openings, and festivals that are open to the general public as approved by the City's Community Development Department. Food Trucks are prohibited from operating on public property and rights of way, unless approved by the City.

The proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. The proposed Ordinance is being presented for first reading and will be considered for second and final reading on June 3, 2024.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Land Development Regulations text amendment food trucks. (4-0, 05/07/2024).

STAFF RECOMMENDATION: Approval of proposed Ordinance #1772 amending Land Development Regulations text – Food Trucks.

**City Commission Meeting
May 20, 2024**

AGENDA ITEM 8: ORDINANCE #1773 AMENDING POLICE OFFICERS PENSION TRUST PLAN

AGENDA ITEM 9: ORDINANCE #1774 AMENDING FIREFIGHTERS PENSION TRUST PLAN

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider Ordinances amending the Police Officers' Pension Plan and the Firefighters' Pension Plan.

ATTACHMENTS:

- . Ordinance #1773 Amending **Police Officers'** Pension Trust Fund Plan
- . Letter from Patrick Donlan, Foster & Foster Actuaries – April 17, 2024
- . Letter of Request from Pension Plan Attorney, Scott Christiansen – April 30, 2024

- . Ordinance #1774 Amending **Firefighters'** Pension Trust Fund Plan
- . Letter from Patrick Donlan, Foster & Foster Actuaries – April 17, 2024
- . Letter of Request from Pension Plan Attorney, Scott Christiansen – April 30, 2024

ANALYSIS: The proposed Ordinances amend Section 27, Deferred Retirement Option Plan (DROP), of the Police Officers' Pension Trust Fund and the Firefighters' Pension Trust Fund. The interest rate for the DROP in the Florida Retirement System was increased to 4% on July 1, 2023. The Board of Trustees for the Police Officers' Pension Plan and Firefighter's Pension Plan recommend this change to help retain and attract police officers and firefighters.

The actuary of the plans, Foster & Foster, issued letters indicating that there are no costs associated with the adoption of the proposed Ordinances. The proposed Ordinances were prepared by the Pension Plan Attorney for the plans, Christiansen & Dehner, P.A., and reviewed by the Finance Director, City Manager and City Attorney. If approved on first reading the proposed Ordinances will be presented for second and final reading on June 3, 2024.

POLICE PENSION BOARD RECOMMENDATION: Approval of the Ordinance – 04/23/2024

FIRE PENSION BOARD RECOMMENDATION: Approval of the Ordinance – 04/23/2024

STAFF RECOMMENDATION: Approval of the proposed Ordinances amending the Police Officers' Pension Plan and Firefighters' Pension Plan.