



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

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CITY COMMISSION MEETING
September 9, 2021 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Tim Pospichal

INVOCATION – Pastor Terry Brown, Legacy Community Church

PLEDGE OF ALLEGIANCE – Mayor Tim Pospichal

ROLL CALL – City Clerk Jeff Brown

APPROVE COMMISSION MINUTES – Special Workshop – 08/16/2021
Regular Meeting – 08/16/2021

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. **PUBLIC HEARING** – FISCAL YEAR 2021 TAX MILLAGE LEVY AND ANNUAL BUDGET
2. ORDINANCE #1672 ADOPTING FY 2021 TAX MILLAGE LEVY
3. ORDINANCE #1673 ADOPTING FY 2022 & FY 2023 ANNUAL BUDGETS
4. **TRANSMITTAL PUBLIC HEARING** – LANDUSE MAP AMENDMENT – HENDERSON PROPERTY
5. TRANSMITTAL RESOLUTION #2021-06 TRANSMITTING MAP AMENDMENT TO STATE
6. **TRANSMITTAL PUBLIC HEARING** – COMPREHENSIVE PLAN TEXT AMENDMENT – PROPERTY RIGHTS
7. TRANSMITTAL RESOLUTION #2021-07 TRANSMITTING TEXT AMENDMENT TO STATE
8. **TRANSMITTAL PUBLIC HEARING** – COMPREHENSIVE PLAN TEXT AMENDMENT – LAKES DISTRICT
9. TRANSMITTAL RESOLUTION #2021-08 TRANSMITTING TEXT AMENDMENT TO STATE
10. BOND COUNSEL RETAINER AGREEMENT – BRYANT, MILLER, OLIVE P.A.
11. PRESENTATION OF BIDS – BORROWING FOR SOCCER STADIUM

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
September 9, 2021**

AGENDA ITEM 1: PUBLIC HEARING – FY 2021-2022 TAX MILLAGE LEVY & ANNUAL BUDGET

AGENDA ITEM 2: ORDINANCE #1672 ADOPTING FY 2021 TAX MILLAGE LEVY

AGENDA ITEM 3: ORDINANCE #1673 ADOPTING FY 2022 & FY 2023 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 2022 and FY 2023 Annual Budgets.

ATTACHMENTS:

- . Proposed Contingency Changes - FY 2021/2022 and FY 2022/2023
- . Adjusted Fund Totals - FY 2021/2022 and FY 2022/2023
- . Proposed Ordinance #1672 Adopting Tax Millage Rate
- . Proposed Ordinance #1673 Adopting FY 2022 & FY 2023 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 first of two (2) required Public Hearings with the second scheduled for September 21, 2021.

The proposed Budget for FY 2022 is balanced with Total Revenue and Total Expenditures of \$56,960,148. General Fund expenditures total \$27,991,773 and Utility Fund expenditures total \$18,538,187. An interfund transfer of \$2,824,067 is necessary to balance both General and Utility Funds. The proposed FY 2022 Budget includes Capital Improvements of \$14,174,206 and a Contingency Reserve of \$202,410. The Proposed FY 2022 and 2023 Budgets includes all changes made during the Regular City Commission meetings of May 3, 2021 (Payroll), June 7, 2021 (Capital Outlay), June 21, 2021 (Expenditures), and July 19, 2021 (Revenues). City Staff will present changes and adjusted Contingency figures.

Revenues from ad-valorem taxes for FY 2022 and FY 2023 are estimated at \$6,470,000 and based upon the operating millage rate of 4.2515.

The FY 2022 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 2023 Budget (2nd Year Budget) is also being presented for the Commission's conceptual approval. The FY 2023 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. If approved on first reading, the proposed Ordinances will be presented for second and final reading on September 21, 2021.

STAFF RECOMMENDATION: Approve the proposed Ordinance establishing the tax millage levy and the proposed Ordinance adopting the FY 2022 and FY 2023 Annual Budgets.

**City Commission Meeting
September 9, 2021**

AGENDA ITEM 4: TRANSMITTAL PUBLIC HEARING– LAND USE MAP AMENDMENT– HENDERSON / ROWE PROPERTY

AGENDA ITEM 5: TRANSMITTAL RESOLUTION #2021-06 TRANSMITTING MAP AMENDMENT TO STATE

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider and take public comment on a Future Land Use Map Amendment before transmitting to the State for a compliance review.

ATTACHMENTS:

- . Notice of Public Hearing – 07/24/2021
- . Resolution #2021-06 Transmitting Future Land Use Map Amendment to State and Location Map
- . Excerpt from Planning Commission Meeting – 08/03/2021

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

Henderson Property:

<u>Owner/Petitioner:</u>	Peterson and Myers on behalf of Intersect Development Group
<u>Location:</u>	Pace Road and Bryan Lane
<u>Current Polk County Future Land Use:</u>	Interchange Activity Center- (+/- 37.1 acres) and Business Park Center-1X (+/- 35.4 acres)
<u>Proposed City Future Land Use:</u>	Regional Activity Center (RAC)
<u>Current use:</u>	Vacant (+/- 72.5 acres)

ANALYSIS: The subject parcel of +/- 72.5 acres was originally annexed as two separate properties. In March 2021, the City annexed 64.5 acres south of Pace Road into City limits known as the Henderson property. In June 2021, the City annexed 8.00 additional acres adjacent to the Henderson property and south of Pace Road on Bryan Lane known as the Rowe Property.

As a result of the annexations, Peterson and Myers on behalf of Intersect Development Group has requested to amend the City of Auburndale’s Future Land Use on +/- 72.5 acres from Polk County Future Land Use Interchange Activity Center-X (IAC-X) and Business Park Center-1X (BPC-1X) to City of Auburndale Future Land Use of ***Regional Activity Center (RAC)***.

Because the property is larger than 50 acres, it is required to go through a Large-Scale Future Land Use Map Amendment and must be submitted to the Department of Economic Opportunity (DEO) for Expedited State Review. Upon receipt of the State review, the City Commission will hold an additional Public Hearing on the adoption of the proposed Future Land Use Map Amendment and proposed Zoning Map Amendment.

The requested Future Land Use of ***Regional Activity Center (RAC)*** is intended to accommodate regional shopping centers, other regional attractors, residential development, and community facilities.

The applicant is requesting to establish a zoning district of Industrial Planned Unit Development (IPUD) on the +/- 72.5 acres. The request will allow the applicant to construct a research and development area and E-commerce building on 57.1 acres, and mixed commercial development on 15.4 +/- acres. The request includes the development of a 464,400 sq. ft. E-commerce and logistics building, two research and development buildings, and 10 outparcels of various sizes for future mixed-commercial development. As required by the Land Development Regulations (LDR's) for Planned Developments, this request is accompanied by a binding site plan, which will be presented to the City Commission during adoption hearings following State review of the Future Land Use Map Amendment..

The requested Future Land Use of ***Regional Activity Center (RAC)*** is consistent with the City of Auburndale Comprehensive Plan, the Joint Planning Agreement with Polk County, and surrounding development.

The action currently before the City Commission is only to take public comment on the proposed Future Land Use and authorize transmittal to the Florida Department of Economic Opportunity for a compliance review.

The proposed Transmittal Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Future Land Use Map Amendment (6-0) - 08/03/2021

STAFF RECOMMENDATION: Approval of Resolution #2021-06 transmitting the Future Land Use Map Amendment to the State for a Compliance Review.

**City Commission Meeting
September 9, 2021**

**AGENDA ITEM 6: TRANSMITTAL PUBLIC HEARING – COMPREHENSIVE PLAN TEXT AMENDMENT
– PROPERTY RIGHTS**

AGENDA ITEM 7: TRANSMITTAL RESOLUTION #2021-07 TRANSMITTING TEXT AMENDMENT TO STATE

____ INFORMATION ONLY

__X__ ACTION REQUESTED

ISSUE: The City Commission will take public comment and consider a proposed Comprehensive Plan Text Amendment regarding Property Rights before transmitting to the State for a compliance review.

ATTACHMENTS:

- . Notice of Public Hearing – 07/24/21
- . Resolution #2021-07 Transmitting Comprehensive Plan Text Amendment to State
- . Excerpt from Planning Commission Meeting – 08/03/2021

ANALYSIS: Growth management legislation enacted by the Florida Legislature in House Bill 59, Property Rights, requires all unincorporated and incorporated jurisdictions to update their Comprehensive Plans to ensure property owners' rights are more clearly addressed. Specific language regarding property owner rights was suggested in the State's legislation. Specifically, the proposed amendment addresses the following:

The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

All Comprehensive Plan Text Amendments must be submitted to the Department of Economic Opportunity (DEO) for Expedited State Review.

The proposed Transmittal Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Comprehensive Plan Text Amendment for Property Rights (6-0) – 08/03/2021

STAFF RECOMMENDATION: Approval of Resolution #2021-07 transmitting the Comprehensive Plan Text Amendment to the State for a Compliance Review.

**City Commission Meeting
September 9, 2021**

**AGENDA ITEM 8: TRANSMITTAL PUBLIC HEARING – COMPREHENSIVE PLAN TEXT AMENDMENT
– LAKES DISTRICT**

AGENDA ITEM 9: TRANSMITTAL RESOLUTION #2021-08 TRANSMITTING TEXT AMENDMENT TO STATE

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The City Commission will take public comment and consider a proposed Comprehensive Plan Text Amendment regarding The Lakes District before transmitting to the State for a compliance review.

ATTACHMENTS:

- . Notice of Public Hearing – 8/21/2021
- . Resolution #2021-08 Transmitting Comprehensive Plan Text Amendment to State

ANALYSIS: In February 2019, the City Commission approved a Memorandum of Agreement with three major property owners in the North Auburndale Area and a Contract for Planning Consultant Services with Kimley-Horn and Associates for Master Planning the North Auburndale area. This area of the City has been experiencing rapid growth and development, and a change in land use patterns from agricultural to residential. In November 2019, following several planning workshops with the property owners and the public, the City Commission endorsed “The Lakes District” Vision and Strategies. The Lakes District Vision is a master plan, or blueprint, to help with the creation of greenway and trails corridors, mixed-use centers, walkability enhancements, and protection of environmental resources and agricultural character.

With the endorsement of The Lakes District Vision and Strategies, City Staff and its consultant have drafted amendments to the City’s Comprehensive Plan and Land Development Regulations. During City Commission Day activities on August 9, 2021, a presentation of The Lakes District’s major themes was made, which include mixed-use village centers, pedestrian and bicycle connectivity, regulations for open space and residential neighborhoods, and the creation of a Transfer of Development Rights program. To help implement these Lakes District themes, the City needs to adopt amendments to its Comprehensive Plan and Land Development Regulations.

The Comprehensive Plan Text Amendment “codifies” The Lakes District Vision and Strategy and it sets the stage for land development regulations to be adopted that accomplish the major themes.

The amendment to the Comprehensive Plan establishes a new Future Land Use category called “Lakes District Mixed Use”. The Lakes District Mixed Use Future Land Use category provides opportunities for a mix of open space, residential, and non-residential types of land uses. In addition, The Lakes District Mixed Use category sets a maximum number of residential units at 18,074 and a maximum intensity for non-residential development at 0.1 Floor Area Ratio (FAR) district-wide. This maximum density and intensity were calculated using the currently adopted densities and intensities on the City’s and County’s Future Land Use Map, and were presented during the endorsement of The Lakes District Vision.

The amendment to the Comprehensive Plan also adopts a new policy in the Transportation Element that encourages the development of bicycling and walking paths within the District.

All Comprehensive Plan Text Amendments must be submitted to the Department of Economic Opportunity (DEO) for Expedited State Review. Amendments to the Land Development Regulations would take place following the State's review of the Comprehensive Plan Amendments. The action currently before the City Commission is only to take public comment on the proposed Comprehensive Plan Text Amendment and authorize transmittal to the Florida Department of Economic Opportunity for a compliance review. Following the State's compliance review, the Comprehensive Plan text amendment and Land Development Regulations text amendment will be presented for adoption.

The proposed Transmittal Resolution was prepared by the Community Development Department and reviewed by the City Manager and City Attorney.

PLANNING COMMISSION RECOMMENDATION: The Planning Commission is scheduled to make a recommendation for this amendment on September 7, 2021.

STAFF RECOMMENDATION: Approval of Resolution #2021-08 transmitting the Comprehensive Plan Text Amendment to the State for a Compliance Review.

**City Commission Meeting
September 9, 2021**

AGENDA ITEM 10: BOND COUNSEL RETAINER AGREEMENT – BRYANT, MILLER, OLIVE P.A.

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider a retainer agreement for bond counsel with Bryant, Miller, Olive P.A.

ATTACHMENTS:

 . Bond Counsel Retainer Agreement

ANALYSIS: In August 2021, the City approved an Interlocal Agreement with Polk County for the construction of a soccer stadium at the Lake Myrtle Sports Complex. The County agreed to front \$500,000 toward construction and the City would finance the remaining \$3,500,000. As debt service becomes due on the borrowed \$3,500,000, the City will invoice and be reimbursed by the County.

Bond counsel is needed to provide assurance to the City for the debt borrowing to include evaluating Federal and State securities compliance, assist staff with closing document preparation, review and filing and render a reliance letter to the City's underwriters. The Bond Counsel Retainer Agreement will allow for Bryant, Miller, Olive P.A. to issue an opinion of the tax-exempt status for the bank qualified loan and perform other related services, as necessary, to finance the construction of the soccer stadium at the Lake Myrtle Sports Complex.

Bryant, Miller, Olive's proposed fee on the \$3,500,000 borrowing transaction is \$17,500, plus any out-of-pocket expenses (estimated at \$2,000) related to the closing of the loan.

The proposed Bond Counsel Retainer Agreement was prepared by Bryant, Miller, Olive P.A and reviewed by the Finance Director, City Manager and City Attorney.

STAFF RECOMMENDATION: Approval of the Bond Counsel Retainer Agreement with Bryant, Miller, Olive P.A.

**City Commission Meeting
September 9, 2021**

AGENDA ITEM 11: PRESENTATION OF BIDS – BORROWING FOR SOCCER STADIUM

 INFORMATION ONLY

 X ACTION REQUESTED

ISSUE: The City Commission will consider bids for the necessary borrowing of funds to construct a soccer stadium on the championship field at Lake Myrtle Park.

ATTACHMENTS:

Request for Borrowing Proposals and Bids Received

ANALYSIS: The City of Auburndale and the Polk County Board of County Commissioners recently entered into an Interlocal Agreement to use Tourist Development Tax funding totaling up to \$4,000,000 for construction of a soccer stadium on the championship field at Lake Myrtle Park. The soccer stadium will allow the City and County to attract larger events that require the amenities of a stadium such as the Florida High School Athletic Association’s Boys and Girls Soccer State Championships, the Boys and Girls Lacrosse State Championships, the Pan-American Lacrosse Association’s World Qualifying events, the Florida Tropics professional team and other large-scale events.

Under the terms of the Interlocal Agreement, the County will make a single payment to the City on October 15, 2021, in the amount of \$500,000. The City is obligated to finance the remaining cost of the improvements in the approximate amount of \$3,500,000 amortized over a ten (10) year period, as requested by Polk County. Beginning in December 2021, the County will then reimburse the City the semi-annual debt payment due on the \$3,500,000 borrowing.

On August 12, 2021, the City sent a notice seeking borrowing proposals for the \$3,500,000 directly to the five (5) banking facilities doing business in the City of Auburndale. On the closing date of the request (August 26, 2021) the City received the following bids:

Truist Bank (BB&T)	1.59% Fixed Rate for 10 Years
Citizens Bank & Trust	1.98% Fixed Rate for 10 years
SouthState Bank	2.20% Fixed Rate for 10 years
Bank of America	No Proposal
Wells Fargo Bank	No Proposal

The Bids were reviewed by the Finance Director, City Manager, City Attorney and Bond Counsel. The best financing option meeting the terms of the Interlocal Agreement with Polk County and Request for Borrowing specification was proposed by Truist Bank with a fixed 1.59% interest rate over the amortization period.

STAFF RECOMMENDATION: Accept the proposal from Truist Bank.