



City of Auburndale
AUBURNDALE, FLORIDA 33823

Office of the City Manager

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CITY COMMISSION MEETING
July 24, 2023 - 7:00 P.M.
COMMISSION ROOM/CITY HALL

CALL TO ORDER – Mayor Dorothea Taylor Bogert

INVOCATION – Pastor Sheri Downs, Champions Church

PLEDGE OF ALLEGIANCE – Mayor Dorothea Taylor Bogert

ROLL CALL – City Clerk Brandon Henry

APPROVE COMMISSION MINUTES – Regular Meeting – 07/10/2023

ANNOUNCEMENTS – City Manager and City Attorney

REQUEST TO ADD ADDITIONAL ITEMS TO AGENDA –

REQUEST FROM THE GENERAL PUBLIC –

AGENDA

1. **PUBLIC HEARING** – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT – OUTDOOR STORAGE
2. ORDINANCE #1746 AMENDING LAND DEVELOPMENT REGULATIONS TEXT – OUTDOOR STORAGE
3. CONSIDER DEVELOPER'S AGREEMENT WITH INTERSECT DEVELOPMENT GROUP – INTERSECT PROPERTIES
4. CONSIDER DEVELOPER'S AGREEMENT WITH CLAYTON PROPERTY GROUP – WATERSIDE SHORES
5. CONSIDER DEVELOPER'S AGREEMENT WITH AUBURN LAKES – AUBURN LAKES PRESERVE
6. PRESENTATION OF CITY MANAGER AND CITY ATTORNEY EVALUATIONS
7. PRESENTATION OF PROPOSED FY 2024 AND FY 2025 REVENUES
8. APPROVE PROPOSED FY 2024 ROLLED-BACK RATE AND MILLAGE RATE
9. APPROVE PUBLIC HEARING DATES FOR PROPOSED FY 2024 BUDGET
10. SET BUDGET WORK SESSION DATE (08/14/2023), COMMISSION DAY

F.S. 286: If an individual decides to appeal any decision made by the City Commission with respect to this meeting, a verbatim transcript may be requested. If so, the individual should make provisions for a transcript to be made at the meeting. Persons with disabilities needing special accommodation to participate in this proceeding should contact the City Clerk no later than five days prior to the proceeding at 968-5133.

**City Commission Meeting
July 24, 2023**

**AGENDA ITEM 1: PUBLIC HEARING – LAND DEVELOPMENT REGULATIONS TEXT AMENDMENT –
OUTDOOR STORAGE**

**AGENDA ITEM 2: ORDINANCE #1746 AMENDING LAND DEVELOPMENT REGULATIONS TEXT –
OUTDOOR STORAGE**

INFORMATION ONLY

ACTION REQUESTED

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

ATTACHMENTS:

- Notice of Public Hearing – 06/30/2023
- Proposed Ordinance #1746 Amending the Land Development Regulations, Chapter 5, Zoning – Outdoor Storage
- Excerpt from Planning Commission Meeting – 07/11/2023

ANALYSIS: City Staff is proposing an amendment to the Land Development Regulations (LDRs) clarifying permitted and prohibited storage on residentially zoned properties and define the regulations for storage uses within a Home Occupation. The suggested text amendment includes language intended to preserve the residential character of neighborhoods and prohibit commercial and trade storage in those residential zoning areas.

The proposed Ordinance was prepared by the Community Development Department and reviewed by the City Manager and City Attorney. If approved on first reading, the proposed Ordinance will be presented for second and final reading on August 7, 2023.

PLANNING COMMISSION RECOMMENDATION: Approval of the proposed Land Development Regulation Text Amendment (4-0, 07/11/2023).

STAFF RECOMMENDATION: Approval of proposed Ordinance #1746 amending Land Development Regulations, Chapter 5, Zoning – Outdoor Storage.

**City Commission Meeting
July 24, 2023**

AGENDA ITEM 3: CONSIDER DEVELOPER'S AGREEMENT WITH INTERSECT DEVELOPMENT GROUP, LLC – INTERSECT PROPERTIES

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider a Utility Infrastructure and Developer's Agreement between Intersect Development Group, LLC, and the City.

ATTACHMENTS:

Utility Infrastructure and Developer's Agreement with Intersect Development Group, LLC

ANALYSIS: In 2021, Intersect Development Group, LLC (Intersect), annexed property into the City limits to obtain potable water and sanitary sewer service. Fifteen properties were annexed and designated for a mixed use industrial/commercial development through an Industrial Planned Unit Development ("IPUD"). Phase 1, located adjacent to Pace Road, was approved by the City Commission for Regional Activity Center Future Land Use designation and a IPUD Zoning classification. Phase 2 of the project will come before the Planning Commission and City Commission, at a later date, to establish Future Land Use and Zoning designations.

In May 2022, the City notified Intersect that the sewer collection system needed to be studied and possibly upgraded to support new development, including Intersect'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 Utility Infrastructure and Developer's Agreement is between Intersect Development Group, LLC, and the City of Auburndale to address the needed infrastructure improvements that will serve the Intersect Project and other future developments in the area. Intersect has provided notice to the City of its intent to design, permit, construct and install two (2) new sixteen-inch (16") force main (the "PR Force Main Extensions") and a new twelve-foot (12') diameter master lift station (the "PR Master Lift Station"), (collectively the "PR Utility Improvements"). Intersect estimates the total cost to design, permit, construct, and install the PR Utility Improvements will be approximately \$7,822,387.00. The Developer's Agreements states Intersect's contractor will construct and Intersect shall notify the City of the final cost to complete the PR Utility Improvements. The City agrees to reimburse Intersect for certain portions of the PR Utility Improvements not to exceed 60.6 percent (60.6%), or \$4,737,869.00, of the \$7,822,387.00 estimated cost of construction for future development. The City's obligation to reimburse for the PR Utility Improvements shall not exceed \$4,737,869.00 without a written amendment to the Developer's Agreement. The City also agrees to obtaining a twenty-foot (20') utility easement from the Florida Department of Transportation ("FDOT"), across the northern boundary line of FDOT's property, in order to allow for the construction of the PR Utility Improvements.

The proposed Developer's Agreement allows the City to complete the review of all development plans, construction plan documents, and establish Future Land Use and Zoning designations for the entire Intersect project. However, the agreement states that any development or construction, on the Intersect Properties, cannot discharge into the City's sewer collection system until all PR Utility Improvements, as outlined in the Agreement, have been permitted, completed and are operational. The current capacity of the Regional Wastewater Treatment Plant requires necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansion must run concurrently with the PR Utility Improvements.

The City and Intersect Development Group, LLC, desire to enter into the Developer's Agreement to establish the respective rights and obligations of Intersect Development Group, LLC, and the City, in accordance with the terms and conditions of the proposed Utility Infrastructure and Developer's Agreement.

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

STAFF RECOMMENDATION: Approval of the proposed Utility Infrastructure and Developer's Agreement between Intersect Development Group, LLC, and the City of Auburndale.

City Commission Meeting
July 24, 2023

AGENDA ITEM 4: CONSIDER DEVELOPER'S AGREEMENT WITH CLAYTON PROPERTIES GROUP, INC – WATERSIDE SHORES

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider a Utility Infrastructure and Developer's Agreement between Clayton Properties Group, Inc., and the City.

ATTACHMENTS:

Utility Infrastructure and Developer's Agreement with Clayton Properties Group, Inc.

ANALYSIS: In July 2022, Clayton Properties Group, Inc. (Clayton Properties), established Lakes District Mixed Use (LDMU) Future Land Use and Residential Neighborhood (RN) Zoning on +/-118.69 acres, formerly identified as Wheeler Farms, now known as the Waterside Shores, located north of Lake Mattie Road. The property is within the Lakes District Master Planned Community and intends to develop approximately 417 dwelling units. The planned development will contain a mix of single-family and townhome residences consistent with the City's Lakes District Mixed Use Future Land Use, the Lakes District Residential Neighborhood Zoning District, and all other required City development standards.

In May 2022, the City notified Clayton Properties that the sewer collection system needed to be studied and possibly upgraded to support new development, including Clayton'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 Clayton Properties Group, Inc., and the City of Auburndale. The Developer's Agreement states that construction of the Clayton Properties project cannot go vertical and/or discharge into the City's sewer collection system until the Pace Road Utility Improvements, Southern Force Main Re-route, and Gapway Force Main projects (collectively referred to as the "Utility Improvements") have been completed, permitted, and operational. In addition, the current capacity of the Regional Wastewater Treatment Plant requires necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansion must run concurrently with the Utility Improvements. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the Utility Improvements. The proposed agreement allows the City to complete the review of the plat, subdivision development plans, and construction plan documents.

The City and Clayton Properties Group, Inc., desire to enter into the Developer's Agreement to establish the respective rights and obligations between the developer and the City, in accordance with the terms and conditions of the proposed Utility Infrastructure and Developer's Agreement.

The proposed Developer's Agreement was prepared by Clayton Properties Group, Inc. and was reviewed by the Community Development Director, the Public Utilities Director, City Manager's Office, and the City Attorney.

STAFF RECOMMENDATION: Approval of the proposed Utility Infrastructure and Developer's Agreement with Clayton Properties Group, Inc., and the City of Auburndale.

City Commission Meeting
July 24, 2023

AGENDA ITEM 5: **CONSIDER DEVELOPER’S AGREEMENT WITH AUBURN LAKES, LLC – AUBURN LAKES PRESERVE**

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider a Developer’s Agreement between Auburn Lakes, LLC, and the City for sewer capacity.

ATTACHMENTS:

Developer’s Agreement with Auburn Lakes, LLC

ANALYSIS: In March 2022, Auburn Lakes, LLC (Auburn Lakes), established Low Density Residential and Medium Density Residential Future Land Uses and General Residential-1 (RG-1) and General Residential-2 (RG-2) Zoning on +/-255.05 acres south of Old Dixie Highway and west of the Polk Parkway. Auburn Lakes intends to develop a residential project on the Property in Phase 1, consisting of a total of approximately 516 dwelling units, a combination of 250 single-family units and 266 Townhouse units. Any additional development on the will come before the Planning Commission and City Commission, at a later date.

In May 2022, the City notified Auburn Lakes that the sewer collection system needed to be studied and possibly upgraded to support new development, including Clayton’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 Auburn Lakes, LLC, and the City of Auburndale. The Developer’s Agreement states that construction of the Auburn Lakes project cannot go vertical and/or discharge into the City’s wastewater system until the Pace Road Master Lift Station Utility Improvements and Southern Force Main re-route projects have completed, permitted, and operational. The current capacity of the Regional Wastewater Treatment Plant requires necessary expansion of the treatment plant and effluent disposal options. Planning and design of the expansion must run concurrently with the Utility Improvements. The Agreement acknowledges that the City makes no representation or warranty as to when it will commence or complete the Utility Improvements. The proposed agreement allows the City to complete the review of the plat, subdivision development plans, and construction plan documents.

The City and Auburn Lakes, LLC, desire to enter into the Developer’s Agreement to establish the respective rights and obligations between Auburn Lakes, LLC, and the City, in accordance with the terms and conditions of the proposed Utility Infrastructure and Developer’s Agreement. The improvements listed in the Auburn Lakes Development Agreement plan for current and future development.

The proposed Developer’s Agreement was prepared by Auburn Lakes, LLC and reviewed by the Community Development Director, the Public Utilities Director, City Manager’s Office, and the City Attorney.

STAFF RECOMMENDATION: Approval of the proposed Utility Infrastructure and Developer’s Agreement between Auburn Lakes, LLC, and the City of Auburndale.

**City Commission Meeting
July 24, 2023**

AGENDA ITEM 6: PRESENTATION OF CITY MANAGER & CITY ATTORNEY EVALUATIONS

INFORMATION ONLY

ACTION REQUESTED

ISSUE: The Mayor will announce the results of the City Manager and City Attorney evaluations and conduct any discussions.

2023 City Manager Evaluation

8 Items Evaluated

5 Commissioners Responding

Total 40 Responses

No "Below Expectations" Ratings

9 "Meets Expectations" Ratings

31 "Exceeds Expectations" Ratings

2023 City Attorney Evaluation

4 Items Evaluated

5 Commissioners Responding

Total 20 Responses

No "Below Expectations" Ratings

3 "Meets Expectations" Ratings

17 "Exceeds Expectations" Ratings

**City Commission Meeting
July 24, 2023**

AGENDA ITEM 7: PRESENTATION OF PROPOSED FY 2024 AND FY 2025 REVENUES

___ INFORMATION ONLY

X ACTION REQUESTED

ISSUE: The City Commission will consider the proposed Revenues for the Fiscal Year 2023-2024 and Fiscal Year 2024-2025.

ATTACHMENTS:

Proposed Revenue Section of Proposed Two-Year Budget
(New Revenue Sources and Differences +/- \$10,000 Highlighted)

ANALYSIS: City Staff will present and lead discussion on the **Revenue** section of the proposed FY 2024 and FY 2025 Budgets.

The City Commission was previously presented various sections of the proposed FY 2024 and FY 2025 Annual Budgets for tentative approval. The Payroll sections were presented on May 1, 2023, Capital Outlay was presented on May 15, 2023 and Expenditures were presented on June 19, 2023. Presentation of the Revenue section completes the City Commission’s budget review process.

Formal presentation of the Proposed FY 2024 and FY 2025 Budgets is scheduled for August 7, 2023. Public Hearings on the Proposed Budgets and Millage Rate are scheduled for Thursday, September 7, 2023 and Tuesday, September 19, 2023.

STAFF RECOMMENDATION: Tentative approval of the Revenue Section of the proposed FY 2024 and FY 2025 Budgets.

**City Commission Meeting
July 24, 2023**

AGENDA ITEM 8: APPROVE PROPOSED FY 2024 ROLLED-BACK RATE AND MILLAGE RATE

____ INFORMATION ONLY

__X__ ACTION REQUESTED

ATTACHMENTS:

2023/2024 Millage Rate Illustration and DR-420 Certification of Taxable Value

ANALYSIS: Florida Statutes require the City to compute a proposed millage rate necessary to fund the proposed budget. The City must advise the Property Appraiser of its proposed millage rate, rolled-back rate and the date, time and place for a public hearing. The Property Appraiser utilizes this information in preparing the notices of proposed property taxes, which are mailed to property owners.

The City's existing millage rate is 4.2515. Using the current millage rate times our current year's gross taxable value; the ad valorem proceeds would represent an increase of \$1,349,895 over the prior year. The Rolled-back rate for FY 2024 is 3.9317 and would provide the City with the same ad valorem as the prior year.

The proposed FY 2022-2023 Budget is balanced utilizing the current millage rate of 4.2515. If approved by the City Commission, the millage rate could be lowered, but not increased above the 4.2515 without the expense of re-advertising to all property owners.

STAFF RECOMMENDATION: Approve 3.9317 as the Rolled-back rate and 4.2515 as the proposed operating millage rate for the Certificate of Taxable Value Form for 2023 and Budget Year 2024.

AGENDA ITEM 9: APPROVE PUBLIC HEARING DATES FOR PROPOSED FY 2024 BUDGET

STAFF RECOMMENDATION: Approve Thursday, September 7, 2023 and Tuesday, September 19, 2023 at 7:00 p.m. at City Hall for the required Public Hearings on the proposed FY 2024 Budget.

AGENDA ITEM 10: SET BUDGET WORK SESSION DATE (08-14-23), COMMISSION DAY

STAFF RECOMMENDATION: Set Monday, August 14, 2023, for Commission Day activities and for a proposed budget work session, if needed.