

CITY COUNCIL AGENDA

REGULAR MEETING

Monday, October 21, 2019

6:30 PM

CITY HALL

CALL TO ORDER

ORDER OF BUSINESS

CEREMONIAL ITEMS AND PRESENTATIONS

1. Florida League of Cities Presentation to Mayor Persampiere.

APPROVAL OF MINUTES

2. Approval of Minutes for the September 30, 2019 Work Session and October 7, 2019 Regular Session.

PUBLIC COMMENT

This is the time for the public to come forward with any comments they may have on any subject related to City business not listed under Public Hearings. Complete a request to speak form and provide it to the City Clerk prior to the meeting.

State your Name and Address for the record.

Please Limit Your Comments to 3 Minutes or Less.

3. Citizen Comment.

CONSENT AGENDA

4. Resolution No. 3827-19, AUE Staffing, Inc. Amendment and Work Order for Providing Temporary Staffing Services for Recreational Programming.
5. Resolution No. 3837-19, Donation of Firefighter Turnout Gear, Self-Contained Breathing Apparatus, and other Surplus Fire Equipment to the Florida State Firefighters Association.
6. Resolution No. 3838-19, CAD Systems Mobile Services Interlocal Agreement with Seminole County.
7. Resolution No. 3839-19, Annual Payment for Traffic Signal Maintenance.
8. Resolution No. 3840-19, Landscaping Improvements on SR434 between Smith Street and East Franklin Street Construction.
9. Resolution No. 3841-19, FY2019/20 Vehicles Purchases.
10. Resolution No. 3842-19, Piggyback Agreement with Florida Armature Works, Inc.
11. Resolution No. 3843-19, Interlocal Agreement with Seminole County for E911 Protocol.
12. Resolution No. 3845-19, Engagement of Bryant Miller Olive for Special Legal Counsel Services.

PUBLIC HEARINGS

13. None.

FIRST READING OF ORDINANCES

14. None.

RESOLUTIONS

15. Resolution No. 3835-19, Amended Site Development Order No.503-19: Oviedo on the Park, Lot 4.

16. Resolution No. 3836-19, Site Development Order No. 506-19: Oviedo on the Park, Lot 8.

DISCUSSION ITEMS

17. None.

CITY MANAGER'S REPORT

City Manager Bryan Cobb

CITY ATTORNEY'S REPORT

COMMUNICATIONS AND REPORTS

- Deputy Mayor Bob Pollack
- Council Member Steve Henken
- Council Member Jeff Chudnow
- Council Member Keith Britton
- Mayor Dominic Persampiere

FUTURE MEETING DATES

- Monday, November 4, 2019, 6:30 p.m. Regular Session
- Monday, November 18, 2019, 6:30 p.m. Regular Session
- Monday, December 2, 2019, 5:30 p.m. CRA Governing Board

- Monday, December 2, 2019, 6:30 p.m. Regular Session
- Monday, January 6, 2020, 6:30 p.m. Regular Session
- Tuesday, January 21, 2020, 6:30 p.m. Regular Session

ADJOURNMENT

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, ANY PERSON DESIRING TO APPEAL ANY DECISION MADE BY THE CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. This record is not provided by the City of Oviedo.

ALL SERVICES, PROGRAMS AND ACTIVITIES OF THE CITY OF OVIEDO ARE OFFERED AND SOLICITED WITHOUT REGARD TO RACE, COLOR, NATIONAL ORIGIN, AGE, SEX, RELIGION, DISABILITY OR FAMILY STATUS. FOR INFORMATION REGARDING THE CITY'S TITLE VI NONDISCRIMINATION POLICY, PLAN AND PROCEDURES PLEASE VISIT WWW.CITYOFOVIEDO.NET.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT 407-971-5500 AT LEAST 48 HOURS IN ADVANCE OF THE MEETING.

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3827-19**, AUE Staffing, Inc. Amendment and Work Order for Providing Temporary Staffing Services for Recreational Programming

Introduction: This is a request for City Council to approve an amendment to the agreement with AUE Staffing, Inc. and a work order in the amount of \$210,000 to AUE Staffing, Inc. for providing temporary staffing services for recreational programming in FY 2019/20.

Discussion: The City's Recreation & Parks Department offers a diverse program to the community, ranging from summer camp, youth and adult athletic leagues to lifeguarding, swim instruction, concessions and special events. The City utilizes part-time seasonal staff to coordinate such activities on an annual basis.

On October 1, 2018, City Council adopted Resolution No. 3630-18 approving the selection of four (4) firms to provide temporary staffing services on an as-needed basis. AUE Staffing, Inc. is one of the approved firms. Temporary staffing services for recreational programming will be completed on a work order basis as needed. The agreement with AUE Staffing, Inc. is provided in Attachment 1 and is effective for a period of three (3) years, with two (2) annual renewals for a total of (5) years.

Upon review of the initial agreement with AUE Staffing, Inc., it has been determined that the job classes and price proposal for Recreation & Parks positions were not included during the initial agreement. City Recreation & Parks staff utilized the services of AUE Staffing, Inc. during the FY 2018/19. While a majority of part-time seasonal staff have been retained as City employees in the past until their assignments have ended, all new or returning part-time seasonal staff requested for recreational programming will be processed through AUE Staffing, Inc. As such, an amendment to the original agreement is required. The proposed amended Statement of Work and price proposal is provided in Exhibit 1 of Resolution No. 3827-19.

After reviewing the budgeted programming hours for FY 2019/20, staff anticipates approximately half of the recreational programming part-time seasonal budget to be utilized by the services of AUE Staffing, Inc., for a total estimated cost of \$210,000. A copy of the Work Order for FY 2019/20 is provided in Exhibit 2 of Resolution No. 3827-19.

Budget Impact: There are sufficient funds in the FY 2019/20 Budget for temporary staffing services for Recreational Programs.

Strategic Impact: To continue high levels of customer service, productivity, and efficiency while maintaining the fiscal health and affordability of recreational programming.

Recommendation: It is recommended that City Council adopt Resolution No. 3827-19.

Attachment: AUE Staffing, Inc. Agreement

Prepared by: Paul Belden, Recreation Business Manager

Reviewed by: Dru D. Boulware, Recreation & Parks Director

Kelly Jones, Assistant Finance Director & Jerry Boop, Finance Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3837-19**, Donation of Firefighter Turnout Gear, Self Contained Breathing Apparatus, and other Surplus Fire Equipment to the Florida State Firefighters Association

Introduction: This is a request for City Council to approve participation in the Florida State Firefighters Association Inc. donation program for old and out of service Firefighter turnout gear, Self Contained Breathing Apparatus (SCBA), and other fire equipment for the purpose of reassignment to volunteer and other Fire Departments in need within the State of Florida.

Discussion: The Fire Rescue Department periodically identifies Firefighter turnout gear items, SCBA, and other fire equipment that has been removed from service in accordance with the National Fire Protection Association (NFPA) standards. Subsequently, the Florida State Firefighters Association Inc. facilitates a program to repurpose and reassign donated Firefighter turnout gear, SCBA, and other fire equipment to volunteer or other in need Fire Departments throughout the State. The Fire Rescue Department recommends that the City participate in this program and donate these items as they are removed from service.

The City Attorney has reviewed and recommends approval of the Bill of Sale and Release Agreement provided in Exhibit 1 of Resolution No. 3837-19. The Bill of Sale and Release Agreement facilitates the City's participation in the donation program. It also releases the City from any liability whatsoever for any personal injury or property damage or loss as a result of any use of the donated equipment. All items will be donated only after the proper surplus and removal from City fixed asset records has been completed in accordance with City Policy.

Budget Impact: There is no budget impact for the City of Oviedo.

Strategic Impact: Support civic pride and participation in the donation of equipment for volunteer and other in need Fire Department agencies in the State of Florida.

Recommendation: It is recommended that City Council adopt Resolution No. 3837-19.

Prepared by: Jeff Buchanan, Fire Chief

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3838-19**, CAD Systems Mobile Services Interlocal Agreement with Seminole County

Introduction: This is a request for City Council to approve an Interlocal Agreement with Seminole County for providing Fire Rescue with the equipment and support required to operate the Mobile Computing Devices and Mobile Vehicle Routers/Gateways services as part of the First Response emergency dispatch CAD system.

Discussion: The City of Oviedo, Seminole County, and all the Cities within Seminole County currently participate in the countywide First Response System for Fire and EMS services. As part of this agreement, Seminole County provides emergency service communications for all agencies. This communications or dispatch service utilizes a new Computer Aided Dispatch (CAD) System which assists with dispatching calls, improves response times, and provides a better method of managing resources. To operate under this CAD system, all apparatus must have an operational Mobile Computing Devices (MCD) and Mobile Vehicle Routers/Gateways with cellular data service. This Interlocal Agreement provides for and maintains the required Mobile Computing Devices and Mobile Vehicle Routers/Gateways with cellular data service for the City of Oviedo.

In order to provide these services, Seminole County will submit an annual invoice to City on October 1st of each year for the charges due during that fiscal year. The invoice will consist of line item charges for the cost of providing the services, including but not limited to routine maintenance, technical support, emergency and non-emergency repairs, data transport services, MCD scheduled replacement, vehicle mounting hardware, etc. The FY 2019/20 annual charge should not exceed \$34,000.

The term of this Agreement is one (1) year from the effective date and will automatically renew for another term on each subsequent anniversary of the effective date, unless either party elects to terminate this Agreement, which either party may do at any time by providing 30 days' written notice to the party.

It is in the best interest of the citizens of Seminole County and the City of Oviedo that the Parties cooperate in providing emergency service communications to enhance the quality of fire and emergency medical services while providing this service in a more efficient and cost-effective manner.

The City Attorney has reviewed this Interlocal agreement and has no legal objection.

Budget Impact: These funds have been approved in the 2019-2020 budget.

Strategic Impact: To provide for the fire, medical and other emergency response components within Seminole County and its municipalities in a cooperative agreement with participating fire rescue agencies.

Recommendation: It is recommended that City Council adopt Resolution No. 3838-19.

Prepared by: Jeff Buchanan, Fire Chief

Reviewed by: Kelly Jones, Assistant Finance Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: Resolution No. 3839-19, Annual Payment for Traffic Signal Maintenance

Introduction: This is a request for City Council to approve payment in the amount of \$80,700 to Seminole County for FY2018-19 Traffic Signal Maintenance.

Discussion: On September 5, 2006, the City entered into an Interlocal Agreement with Seminole County for Traffic Signal Maintenance for traffic signals located within the City, which are owned or partially owned by the City. The agreement provides a mechanism for Seminole County to maintain the signals in accordance with established standards.

Each year, the City receives a request for payment from Seminole County and an updated inventory of the City's traffic signals. Staff reviews the inventory and fees and forwards the payment request to the City Manager's office for payment authorization. Since the invoice amount exceeds the City Manager's current purchasing threshold, City Council's approval is required in order to process payment of the invoice. A copy of the FY2018-19 billing request for \$80,700 is provided in Exhibit 1 of Resolution No. 3839-19.

Section 2 of the 2006 Traffic Signal Maintenance Agreement outlines the City's responsibility regarding payment. A copy of the agreement is attached.

Budget Impact: Adequate funding is included in the FY2018-19 budget in Account No. 105-4100-541.34-91.

Strategic Impact: Meets the goals and objectives of the Mobility and Transportation Strategic Focus Area.

Recommendation: It is recommended that City Council adopt Resolution No. 3839-19.

Attachment: Traffic Signal Maintenance Agreement.

Prepared by: Susan Sheikh, Operational Resources Manager
Reviewed by: Bobby Wyatt, Public Works Director
Kelly Jones, Assistant Finance Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3840-19**, Landscaping Improvements on SR434 between Smith Street and East Franklin Street

Introduction: This is a request for City Council to award Bid No. 19-37 for construction of the Landscaping Improvements on SR434 between Smith Street and East Franklin Street (SR426/CR419 Phase 1 Widening, Project # 02-023) to Green Construction Technologies, Inc. in the amount of \$132,986.64.

Discussion: On May 16, 2016, City Council approved the submission of a grant application to the Florida Department of Transportation (FDOT) to supplement the City's funding for landscape improvements on State Road 434. The landscape improvements are associated with the Phase 1 Road Widening Project recently completed by FDOT. The City's grant application was successful, and a Joint Participation Agreement (JPA) was approved by City Council on March 5, 2018, with the adoption of Resolution No. 3542-18. The agreement provides cost reimbursement up to \$91,674 for the purchase of plant materials, fertilizer, soil amendments, mulch, staking and the cost for labor associated with the installation of the planting.

On August 18, 2019, the City advertised Bid No. 19-37 for the Landscaping Improvements on SR434 between Smith Street and East Franklin Street. One bid in the amount of \$132,986.64 was received from Green Construction Technologies, Inc. The bid opening minutes are attached. Staff has performed the necessary due diligence and finds this contractor to be experienced and capable of providing the construction services at a fair price. DRMP, Inc. who is engaged to perform Construction Engineering Inspection (CEI) Services for the project, has also reviewed the bid from Green Construction Technologies and recommends approval. Staff has also received concurrence from FDOT to proceed with awarding the bid.

Budget Impact: The JPA will provide supplemental funding to the City in the amount of \$91,674. Additional funding was included is included in the FY 2019/20 budget in the 3rd Generation Sales Tax Fund.

Strategic Impact: Continue implementation of the Transportation Master Plan and continue to utilize Federal and State financial resources.

Recommendation: It is recommended that City Council adopt Resolution No. 3840-19.

Attachment: Bid Opening Minutes

Prepared by: Susan Sheikh, Operational Resources Manager

Reviewed by: Bobby Wyatt, Public Works Director

Kelly Jones, Assistant Finance Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3841-19**, FY2019-20 Vehicle Purchases

Introduction: This is a request for the City Council to approve the purchase of seventeen (17) new City vehicles and equipment in the not-to-exceed amount of \$1,155,000, utilizing the Florida Sheriff's Association Bid or other State of Florida or national contract that has been competitively bid for use by governmental agencies.

Discussion: The City's vehicle and equipment replacement schedule is designed to replace vehicles which have been identified as:

- 1) Incurring the greatest maintenance expense over the life of the vehicle.
- 2) Reaching or exceeding their expected life in terms of age.
- 3) Having relatively high mileage.

The benefits of the replacement program are reflected in the reduction of fleet maintenance expenses, as well as lowering vehicle and equipment downtime which in turn increases service availability to the community.

In 2017, the City began a new vehicle lease program through Enterprise Fleet Management (Enterprise) in an effort to reduce the cost of ownership for certain types of vehicles. A total of nine (9) vehicles were leased during FY2017/18 and an additional nine (9) leases were executed during FY2018/19, along with three (3) renewal leases which expired from the previous year. A total of eighteen (18) vehicles are currently being leased city-wide with one of the leased units still on order from FY2018/19.

The leasing program is a great option for many of the City's vehicles needs, however staff has found that in some cases, it is more cost-effective to purchase certain types of vehicles, rather than lease. This is dependent upon the type of vehicle needed, manufacturer discounts available, anticipated wear and tear and the life expectancy of the purchased vehicle vs the total cost of leasing the vehicle.

The vehicles listed in the table provided in Exhibit 1 of Resolution No. 3841-19 are scheduled for replacement during FY 2019/20. Staff recommends purchasing these vehicles rather than leasing. The costs shown are not-to-exceed amounts based on anticipated FY2019/20 Florida Sheriff Association bid prices, however staff may opt to utilize another competitively bid State or Federal contact if it is more cost-effective to do so.

The vehicle make and model is also contingent upon cost and availability at the time of ordering. Staff desires to retain the flexibility to order comparable vehicles, if needed in order to get better pricing. In all cases, the Fleet Division will make every effort to obtain the best vehicle and pricing to meet City needs.

Budget Impact: Funding is included in the FY2019/20 Vehicle Replacement Funds 407 and 302 for purchase of these vehicles.

Strategic Impact: Maintain up to date equipment and appropriate facilities.

Recommendation: It is recommended that City Council adopt Resolution No. 3841-19.

Prepared by: Susan Sheikh, Operational Resources Manager
Reviewed by: Steve Williams, Fleet Maintenance Supervisor
Bobby Wyatt, Public Works Director
Kelly Jones, Assistant Finance Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3842-19**, Piggyback Agreement with Florida Armature Works, Inc.

Introduction: This is a request for City Council to approve the piggyback of an Indian River County agreement currently in place with Florida Armature Works, Inc. for as-needed motor and pump repair services.

Discussion: The City has the need from time to time for repair services for motors and pumps. And, it is staff's desire to obtain the necessary equipment and services in a cost-effective and efficient manner with pre-selected vendors who are reliable, competent and qualified to perform the work. By contracting with suppliers of these goods and services in advance, the City is able to respond quickly in order to avoid lengthy interruptions in service and to limit the amount of "down-time" when problems occur.

Florida Armature Works, Inc. was awarded a competitively bid contract by Indian River County on August 13, 2019. The City's purchasing policy allows for piggybacking existing competitively bid contracts of other government entities without need to formally or informally request proposals or bids. All work performed under this piggyback agreement will still require the appropriate procurement process as outlined in the City's purchasing policy.

A copy of the Indian River County agreement is included with the proposed piggyback agreement provided in Exhibit 1 of Resolution No. 3842-19. The contract will continue through August 12, 2022.

Budget Impact: There are no current impacts to the budget by approving this piggyback agreement. All work will be procured in accordance with the City's Purchasing Policy and will be budgeted accordingly.

Strategic Impact: Ensures that the infrastructure meets the capacity needs of the City by eliminating infrastructure deficits.

Recommendation: It is recommended that City Council adopt Resolution No. 3842-19.

Prepared by: Susan Sheikh, Operational Resources Manager
Reviewed by: Bobby Wyatt, Public Works Director
Kelly Jones, Assistant Finance Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3843-19**, Interlocal Agreement with Seminole County for E911 Protocol

Introduction: This is a request for City Council to approve an Interlocal Agreement with Seminole County for E911 protocol and to satisfy the Interagency Communications requirements set forth in Florida Statute 365.179 allowing for direct radio communication between public safety answering points (PSAPs) and first responders outside the PSAPs normal service area to provide for more efficient dispatch of first responders.

Discussion: The Marjory Stoneman Douglas High School Public Safety Commission recommended that Counties be required to develop and implement communication systems that allow direct radio communication between public safety answering points (PSAPs) and first responders outside the PSAPs normal service area. In response to the Commission's recommendations, the Florida Legislature created Florida Statute 365.179, (Direct radio communication between 9-1-1 public safety answering points and first responders). 365.179 requires each County Sheriff to facilitate an interlocal agreement between all First Responder Agencies within the county which provides for interagency communications as required under this law. This interlocal agreement is being implemented among Seminole County; the Cities of Altamonte Springs, Casselberry, Lake Mary, Longwood, Oviedo, Sanford, and Winter Springs; the Sanford Airport Authority; the Seminole County Sheriff's Office; and Seminole County Public Schools.

As part of this agreement, Seminole County will coordinate an E911 public safety answering point and telecommunications working group (Public Safety Communications Working Group) which will include representation from First Responder Agencies to ensure emergency public alerting and warning, 9-1-1 communications, and telecommunications is interoperable throughout the County. The Public Safety Communications Working Group will identify and resolve any technological or logistical issues related to 9-1-1 or telecommunications and ensure a unified radio channel matrix is maintained and made accessible to all first responder agencies throughout the County. The unified radio matrix will include first responder agencies, healthcare facilities, local government services, Seminole County Public Schools, and Seminole State College. The County will also maintain text-to-911 services throughout the County, in coordination with all public safety answering points.

The term of this Agreement is one (1) year from the Effective Date and will automatically renew for another term on each subsequent anniversary of the Effective Date, unless either party elects to terminate this Agreement, which either party may do at any time by providing 60 days' notice.

The City Attorney has reviewed this Interlocal agreement and has no legal objection.

Budget Impact: There is no budget impact for the City of Oviedo.

Strategic Impact: Be one of the safest communities in the region.

Recommendation: It is recommended that City Council adopt Resolution No. 3843-19.

Prepared by: Jeff Buchanan, Fire Chief
Reviewed by: Dale Coleman, Police Chief

AGENDA

MEMORANDUM

TO: Honorable Mayor and City Council Members

FROM: Bryan Cobb, City Manager

DATE: October 21, 2019

SUBJECT: Resolution No. 3845-19, Engagement of Bryant Miller Olive for Special Legal Counsel Services

Introduction: This is a request for City Council to engage Bryant Miller Olive, the City's bond counsel, for special legal counsel services to the City with respect to a proposed amendment to the Ground Lease whereby approximately 61.24 acres is currently leased by the City for the treatment and management of wastewater.

Discussion: At its September 16, 2019, meeting, the City Council approved the transmittal of a Comprehensive Plan Future Land Use Map amendment to the Florida Department of Economic Opportunity requesting their review. The Future Land Use Map amendment changes the future land use designation of the approximately, 61.24 acres from Downtown Mixed Use – South of Mitchell Hammock Road and Rural to Downtown Mixed Use – New Downtown and Public. Currently, approximately 23.02 acres are designated Downtown Mixed Use – South of Mitchell Hammock Road and approximately 38.22 acres are designated Rural on the Future Land Use Map. The proposed amendment will designate approximately 29.82 acres as Downtown Mixed Use – New Downtown and approximately 31.42 acres as Public.

The Developer has proposed that the City purchase the 31.42 acres to be designated with the Public future land use designation. The asking price is \$7.5 million. To date the City has not accepted the asking price. Staff has engaged the City's land appraiser to appraise the property to determine an appropriate land value.

The City currently has a ground lease over the entire 61.24 acres which the City assumed when it purchased the City's Wastewater Treatment Facility from Utilities, Inc. (a.k.a. Alafaya Utilities). The ground lease terminates in 2034 and does not have an early termination clause. The ground lease allows the City to use the property for rapid infiltration basins (percolation ponds) to store reject wastewater and reclaim water that is not used due to wet weather. The City currently pays a lease payment and the annual taxes on the property. The current lease payment is \$162,168 per year. The 2018 taxes were \$65,000. In planning for the possible decommissioning of the percolation ponds, the City engaged CPH, Inc., the City's utility consultant, to devise a capital plan for what improvements will be necessary should the City not have the use of the percolation ponds. We anticipate receiving the plan sometime in November before the Thanksgiving Holiday.

Since the City's Charter limits the City's ability to take on debt, the developer has proposed an amendment to the City's ground lease to facilitate the City's purchase of the property in hopes that it will work within the Charter's limitations. In conversations with the City's bond counsel, Bryant Miller Olive, the proposed amendment needs a thorough review for compliance with the Charter. At the Staff's request, Mr. George Smith, Esquire, submitted the engagement letter provided in Exhibit 1 of Resolution No. 3845-19 on behalf of Bryant Miller Olive (BMO). The engagement letter provides for retaining BMO as special legal counsel to determine whether the proposed ground lease amendment will comply with Section 4.08.11 of the City Charter.

BMO will provide the legal services described above at the following discounted rates: \$300.00 per hour for attorneys with 7+ years of experience, \$200.00 per hour for attorneys with less than 7 years of experience, and \$100.00 per hour for paralegals and law clerks. BMO will not bill separately for internal costs such as computer printing, photocopying, telephone or fax charges. BMO may bill for out-of-pocket expenses advanced on the City's behalf such as overnight shipping and recording fees provided such fees are approved by the City Attorney. Travel expenses incurred at the City's request will be reimbursed in accordance with Section 112.061, Florida Statutes. BMO will bill periodically, but not less often than monthly, by detailed invoice reflecting hours and expenses with all appropriate back-up materials typically required by governmental entities.

The Developer does not currently own the property. The Developer has apparently entered into a purchase and sale agreement with the current property owners. The City's ground lease is with the current property owners. Thus, all actions by the City with the Developer are contingent upon the developer owning the property.

The City Attorney has reviewed the engagement letter and finds the rates to be reasonable. Staff recommends approval of the engagement letter.

Budget Impact: Funding is available within the Water and Sewer Utility Reserve for Contingencies account. A Budget Transfer is provided in Exhibit 2 in the amount of \$40,000 to transfer funding to the Professional Services Legal account within the Water and Sewer Public Works Administration Division.

Strategic Impact: Ensure that the infrastructure meets the capacity needs of the City by developing infrastructure that enables quality /smart growth. Enhance sewer system distribution.

Recommendation: It is recommended that City Council adopt Resolution No. 3845-19.

Reviewed by: Lonnie Groot, Assistant City Attorney

Jerry Boop, Finance Director

Kelly Jones, Assistant Finance Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3835-19**, Amended Site Development Order No.503-19: Oviedo on the Park, Lot 4

Procedure: Call Up Item
City Manager Background
Applicant Presentation
Public Comment - Request to Speak Forms submitted prior to beginning of meeting.
Council Motion & Discussion
Council Action

Introduction: This is a request for the City Council to approve Amended Site Development Order No. 503-19, for Lot 4 at Oviedo on the Park. The proposed development is located on the north side of Mitchell Hammock Road and west side of Oviedo Boulevard. The applicant and property owner is Michael Collard of O.O.T.P., LLC.

Discussion: The subject property's future land use designation is Downtown Mixed Use (DMU) and its zoning district is Mixed Use District-New Downtown Village Core (MUD-VC). The proposed development is located within the Oviedo on the Park Master Plan.

Per LDC Section 6.4(F)(3)(a), the Land Use Administrator shall issue site development orders and permits for permissible uses within the New Downtown Village Core District. On May 5, 2014, City Council adopted Resolution No. 2833-14, providing through a Memorandum of Understanding (MOU), that the City Council will act as the Land Use Administrator with regard to lands assigned the New Downtown Village Core and New Downtown Zoning Districts and subject to the Oviedo on the Park Master Plan.

The total land area is approximately 4.25 acres. The project includes two (2) restaurant buildings of 6,200 square feet and 7,000 square feet, a third multi-tenant commercial retail building of 7,800 square feet, and a fourth multi-tenant commercial retail of 6,400 square feet, totaling to 27,400 square feet. There are 231 off-street parking spaces and some existing on-street parking abutting the site. The proposed amount of parking is sufficient.

The Applicant requests the following deviations to the Land Development Code (LDC) minimum requirements. The applicant's justification and mitigation are indicated in italics. Staff's recommendations are shown in underline. The site layout is provided in Attachment No. 2. Staff worked with the applicant to understand the justification and to provide mitigation, and has no objection to the deviation requests.

Deviation Requests

1. LDC Section 6.4(L)(7)(b): A 2 Terminal Landscape Island Deviation to the Requirement of a Minimum of 23 Terminal Landscape Islands be provided, as shown on Sheet 14, allowing for 21 Terminal Islands, A 8.7% Deviation.

Because service areas are not to be visible to pedestrians, the area most suitable to satisfy the need and requirements, was in the terminal landscape island adjacent to Building B. This reduced the size of the landscaped terminal buffer and would require a deviation. To ensure proper pedestrian mobility, a sidewalk was needed adjacent to Building C, reducing the required size of a landscaped terminal buffer to 6'. This would also require a deviation.

Staff recommends approval due to the need for the dumpster enclosure, and the limited space to put them on the site to satisfy the requirement to minimize visibility from pedestrians. Staff also recommends approval for the terminal island adjacent to Building C because applicant has improved mobility of the site for pedestrians, and this area contributes positively to the sidewalk system.

2. LDC Section 6.4(L)(b): A 7 Large Tree Deviation to the Requirement of a Minimum 23 Large Trees, allowing for 16 Large Trees in Terminal Landscaped Islands to be provided, as shown on Sheet 14, A 30.4% Deviation.

The 2 terminal islands affected by the dumpster enclosure and sidewalk made it impossible to plant a large canopy tree in these areas. Other terminal islands, although sufficient in size, were better suited for understory trees given their proximity to dumpster enclosures or other large canopy trees.

Staff recommends approval due to the fact that only 3 of the 7 terminal islands do not have trees, and the rest were planted with understory trees, the applicant has provided additional large canopy trees in the divider medians, exceeding the requirements.

3. LDC Section 6.4(L)(6)(f): An 18 Large Landscape Buffer Tree Deviation to the Requirement of a Minimum of 18 Large Buffer Trees to be located along Mitchell Hammock Road allowing for 0 Large Buffer Trees.

A portion of the existing planted landscape buffer along Mitchell Hammock Rd. is narrow (6' wide) so we are limited on planting space. We are providing mitigation through the

preservation of five (5) large (6"-20" DBH) Live Oak Trees and transplanting four (4) Southern Magnolia trees.

Staff recommends approval due to the fact that space is limited, large live oaks are being preserved and magnolias are being transplanted.

4. LDC Section 6.4(L)(6)(f): A 7 Understory Landscape Buffer Tree Deviation to the Requirement of a Minimum of 18 Understory Trees shall be on Mitchell Hammock Road, allowing for 11 Understory Buffer Trees, a 38.8% Deviation.

Given the narrow space of the right-of-way and the existing landscaped buffer yard along Mitchell Hammock Rd., and the requirement for large street trees and light poles, only 11 understory trees were able to fit in the area. We are providing mitigation through the preservation of five (5) large (6"-20" DBH) Live Oak trees and the transplanting of four (4) Southern Magnolia trees.

Staff recommends approval due to the fact that space is limited to satisfy street tree requirements which were met on Mitchell Hammock Road, large oak trees are being preserved and magnolias are being transplanted.

5. LDC Section 6.4(L)(6)(d): A 3 Large Landscape Buffer Tree Deviation to the Requirement of a Minimum of 15 Large Buffer Trees to be located along areas of Mike Roberto Way, allowing for 12 Large Buffer Trees, a 20% Deviation.

Buffer trees were planted to the maximum space allowable in the buffer yard, given two light poles that require extra spacing and 'Building A'. We are providing mitigation through proposed buffer and interior landscaping.

Staff recommends approval due to the fact that trees were planted everywhere possible in the limited space provided. Oviedo Boulevard also exceeds requirements for understory trees and divider medians do as well.

6. LDC Section 6.4(L)(6)(d): A 12 Large Landscape Buffer Tree Deviation to the Requirement of a Minimum of 13 Large Buffer Trees be located along Oviedo Boulevard, allowing for 1 Large Buffer Tree, A 92.3% Deviation.

The existing sidewalk is encroaching 5' into our buffer. We are providing mitigation by planting Magnolias (Street trees) in the right-of-way and providing three (3) trees to help screen the dumpster wall in addition to providing 6 understory trees.

Staff recommends approval due to the fact that space is limited, and the use of understory trees were used to help screen the dumpster enclosure and the parking lot.

7. LDC Section 6.4(L)(6)(d): A 5 foot deviation to the Requirement that the Minimum Landscape Buffer Width along the parking adjacent to Oviedo Boulevard be 10 feet, allowing a Buffer Width of 5 feet, a 50% Deviation.

A portion of the sidewalk is on the property, which affects the buffer yard. We are providing mitigation by planting Magnolias (Street trees) in the ROW and providing three (3) trees to help screen the dumpster wall in addition to providing 6 understory trees.

Staff recommends approval due to the fact that space is limited to satisfy the buffer yard, with the use of understory trees, adjacent trees, and hedges on site which provide ample screening to the parking lot.

8. LDC Section 8.7(B)(3)(b): A 24 Parking Space deviation out of the 137 Required Parking Spaces, constituting a second row of parking along an arterial road, deviating from the Requirement that no more than One Row of Surface Parking shall be located in Front of a Principal Building or the Extension of the Line of the Primary Façade on an Arterial Road, constituting a 17.5% Deviation.

A large portion of the overall parking will serve lot 3B as well, which dictated the need for a large amount of parking. Our proposed street trees and interior landscaping are mitigation for this deviation.

Staff recommends approval as proposed landscaping within the interior has been improved and exceeds the requirements.

9. LDC Section 6.4(F)(4)(c): An 11 foot deviation to the 15 foot setback requirement when a Minimum 12 foot sidewalk is not provided along Mike Roberto Way, allowing for a 4 foot front setback, a 73.3% Deviation.

The 4' setback was reasonable to avoid vacating the right-of-way, while simultaneously not affecting the overall layout of the site plan and to keep the building as close to the street as possible for aesthetic and continuity reasons.

Staff recommends approval so as to avoid vacating the right-of-way for the encroaching of "Building A's" canopies.

City Council adopted Resolution No. 3781-19 on August 5, 2019, approving Site Development Order 503-19 for Lot 4 of Oviedo on the Park. Site Development Order 503-19 contained a condition of approval requiring the use of ornamental light fixtures within Lot 4 consistent with the light fixtures used elsewhere within Oviedo on the Park. The subject amendment complies with this condition. Therefore, this condition of approval is not included in the subject amended site development order.

Three (3) mobility strategies were required in Site Development Order 503-19 which have already been fulfilled.

Site Development Order 503-19 also contains a condition of approval that prior to obtaining the first certificate of occupancy, the applicant shall provide a street light along Mitchell Hammock Road with a concrete architecturally enhanced pole in black or dark gray, and LED fixture mounted at a height recommended by a lighting engineer. The location of the shall be agreed upon by the lighting engineer and the Public Works Department. This condition of approval has not been satisfied. Therefore, it is included in Amended Site Development Order 503-19 provided in Exhibit 1 of Resolution No. 3835-19.

Architectural design orders have been approved for Building's B and F at this site, and another is pending for "Building A" at City Council's October 21, 2019, meeting. An architectural design order for "Building C" is on file, and will proceed to City Council in the future.

Staff recommends approval of Resolution 3835-19, upon meeting the condition carried forward for street lighting, included in the Site Development Order, Exhibit 1.

Budget Impact: There is no impact to the budget as a result of the proposed Amended Site Development Order No. 503-19.

Strategic Impact: Community Character Strategic Focus Area and Economic Vitality and Development.

Recommendation: It is recommended that City Council adopt Resolution No. 3835-19, with conditions as noted above.

Attachments: 1. Location map
2. Site plan

Prepared by: Tyler Reed, Planner 2

Reviewed by: J. Higbee, Development Review Manager

Teresa Correa, Development Services Director

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: October 21, 2019
SUBJECT: **Resolution No. 3836-19**, Site Development Order No. 506-19: Oviedo on the Park, Lot 8

Procedure: Call Up Item
City Manager Background
Applicant Presentation
Public Comment - Request to Speak Forms submitted prior to beginning of meeting.
Council Motion & Discussion
Council Action

Introduction: This is a request for the City Council to approve Site Development Order No. 506-19, for Lot 8 at Oviedo on the Park. The proposed development is located on the north side of Mitchell Hammock Road and east side of Oviedo Boulevard. The applicant and property owner is William M. Alcott.

Discussion: The subject property's future land use designation is Downtown Mixed Use (DMU) and its zoning district is Mixed Use District-New Downtown Village Core (MUD-VC). The proposed development is located within the Oviedo on the Park Master Plan.

Per the Land Development Code (LDC) Section 6.4(F)(3)(a), the Land Use Administrator shall issue site development orders and permits for permissible uses within the New Downtown Village Core District. On May 5, 2014, City Council adopted Resolution No. 2833-14, providing through a Memorandum of Understanding (MOU), that the City Council will act as the Land Use Administrator with regard to lands assigned the New Downtown Village Core and New Downtown Zoning Districts and subject to the Oviedo on the Park Master Plan.

The total land area is approximately 1.12 acres. The project includes one commercial building of 9,948 square feet, to include general retail and fast casual restaurant uses. There are 40 off-street parking spaces, and 11 more in the adjacent right-of-way of Oviedo Blvd. The proposed amount of parking is sufficient.

The applicant requests no deviations from the LDC minimum requirements.

Staff recommends that an LED street light with a concrete architecturally enhanced pole in black or dark gray, and LED fixture mounted at a height recommended by a lighting engineer be installed along Mitchell Hammock Road. This recommendation is included in Site Development Order No. 506-19 as the following condition of approval.

10. Prior to obtaining a certificate of occupancy, the applicant shall provide a street light for the site along Mitchell Hammock Road. The location of the light shall be agreed upon by the lighting engineer and the Oviedo Public Works Department.

Three mobility strategies are required for this development, based on traffic generation, as required by the Comprehensive Plan, Policy 2-2.4.1. The proposed mobility strategies are:

1. Five additional bicycle parking spaces than the minimum required, totaling 16 spaces. Provided on the plans.
2. Wider sidewalks than required on the south and part of the west sides of the building (widened to 16' adjacent to the west side of the building and 12' on the south side). Provided on the plans.
3. A bicycle repair station to be provided at a location to be determined in consultation with the City of Oviedo. Not provided on the plans since the final location remains to be determined.

Two are provided on the plans, and one remains to be provided, at the applicant's request. Therefore, the following condition of approval is placed in Site Development Order No. 506-19.

11. Prior to obtaining a certificate of occupancy, the applicant shall provide a third mobility strategy for a bicycle repair station at a location to be determined in consultation with the City of Oviedo.

An architectural design order for the associated commercial building was approved by City Council on September 16, 2019.

Staff recommends approval of Resolution 3836-19 and Site Development Order No. 506-19.

Budget Impact: There is no impact to the budget as a result of the proposed Site Development Order No. 506-19.

Strategic Impact: Community Character Strategic Focus Area and Economic Vitality and Development.

Recommendation: It is recommended that City Council adopt Resolution No. 3836-19.

Attachments: 1. Location map
 2. Site plan

Prepared by: J. Higbee, Development Review Manager
Reviewed by: Teresa Correa, Development Services Director