

**CITY COUNCIL AGENDA  
REGULAR MEETING  
Monday, March 02, 2020  
6:30 PM  
CITY HALL**

**CALL TO ORDER**

**ORDER OF BUSINESS**

**CEREMONIAL ITEMS AND PRESENTATIONS**

1. **None.**

**APPROVAL OF MINUTES**

2. **Approval of Minutes for the February 17, 2020, 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. 3894-20**, Lot 5 Oviedo Point Replat.
5. **Resolution No. 3895-20**, Application for the Federal Emergency Management Agency, Assistance to Firefighters Grant Program.
6. **Resolution No. 3896-20**, Purchase of Replacement and New Police Portable Radios.
7. **Resolution No. 3897-20**, Emergency Water Main Repair Project.
8. **Resolution No. 3899-20**, First Amendment to Geneva Drive Realignment Agreement.

**PUBLIC HEARINGS**

9. **None.**

## **FIRST READING OF ORDINANCES**

10. None.

## **RESOLUTIONS**

11. None.

## **DISCUSSION ITEMS**

12. Purchase and Sale Agreement for City Owned Property.

## **CITY MANAGER'S REPORT**

## **CITY ATTORNEY'S REPORT**

## **COMMUNICATIONS AND REPORTS**

- Council Member Keith Britton
- Deputy Mayor Bob Pollack
- Council Member Jeff Chudnow
- Council Member Judith Dolores Smith
- Mayor Megan Sladek

## **FUTURE MEETING DATES**

- Monday, March 16, 2020 NO MEETING
- Monday, March 30, 2020, 6:00 p.m. Budget Work Session
- Monday, April 6, 2020, 5:30 p.m. CRA Governing Board
- Monday, April 6, 2020, 6:30 p.m. Regular Meeting
- Monday, April 20, 2020, 6:30 p.m. Regular Meeting

## **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](http://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:** March 2, 2020  
**SUBJECT:** **Resolution No. 3894-20**, Lot 5 Oviedo Point Replat

**Introduction:** This is a request for the City Council to approve the Lot 5 Oviedo Point Replat. The Applicant is Castlerock Realty LLC and the Owner is Oviedo Point Investors LLC.

**Discussion:** Per Section 2.5 (A)(8) of the Land Development Code (LDC), the City Council shall have final approval authority over Final Plats and Replats.

The subject Replat consists of approximately 2.319 acres, located Southeast of the corner of Mitchell Hammock Road and SR 426, in a commercial development known as Oviedo Point. The Replat will divide Lot 5, a vacant parcel, into (2) two parcels within the existing shopping center. Oviedo Point was annexed into the City of Oviedo on August 7, 2016, with the adoption of Ordinance No. 1651. A Final Site Plan for Oviedo Point was approved by Seminole County on September 7, 2016, consistent with requirements for the annexation.

The City Surveying Consultant found that the Replat complies with Chapter 177, Florida Statutes. The City Attorney reviewed the subject Replat and found it acceptable. The City Attorney reviewed and accepted a cross-access easement agreement provided in Attachment 2. The City Attorney reviewed the Declaration of Covenants, Conditions and Restrictions and Title Certificate, and had no comments.

The Applicant submitted a Performance Guarantee in the amount of \$10,150.55, for a water main and fire hydrant assembly. The related cost estimate was approved by the City Engineer.

Site Development Orders are under review for both lots created by the subject Replat. An early education learning center is planned for Lot 5B. A medical office is planned for Lot 5B. An Architectural Design Order was granted by the City Council for the learning center building on September 5, 2019. The City Council approved an Architectural Design Order for the medical office building on February 17, 2020.

Staff found that the proposed Replat is consistent with the prior Plat, Annexation and Final Site Plan approved by Seminole County. The proposed lots, roads and easements are in conformance with the LDC and other appropriate standards. Staff recommends approval of the subject Replat and the adoption of Resolution No. 3894-20.

**Budget Impact:** There is no budget impact arising from the approval of this resolution.

**Strategic Impact:** Economic vitality and development.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3894-20.

Attachments:     1. Location Map  
                      2. Cross-access Easement Agreement

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

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** March 2, 2020  
**SUBJECT:** **Resolution No. 3895-20**, Application for the Federal Emergency Management Agency, Assistance to Firefighters Grant Program.

**Introduction:** This is a request for City Council to approve the submittal of an application to the Department of Homeland Security, Federal Emergency Management Agency, Assistance to Firefighters Grant (DHS-FEMA-AFG) program for funding assistance for the purchase of one (1) Wildland and Special Response Fire Apparatus.

**Discussion:** The Fire Rescue Department seeks grant funding opportunities to assist with funding operational and capital equipment needs. Fire Rescue recommends submitting an application for the FY19 Assistance to Firefighters Grant (AFG) program. The proposed grant application is for one (1) Wildland and Special Response Fire Apparatus. Currently, the City has no wildland firefighting vehicles and must rely on outside resources to respond. At times these outside resources may either be unstaffed or not available to assist. When this occurs, it creates an extended response time which can allow the fire to rapidly grow. This creates a challenge to protect structures and increases the threat level for property damage and life safety within proximity of a wildland fire. The purchase of this equipment will allow the City to provide adequate and rapid wildland/urban interface fire protection to its' citizens and visitors. The vehicle will also be used during hurricanes and tornadoes when access may be difficult due to downed trees, flooding, etc. The new apparatus will be built to specifications following all applicable NFPA standards and shall conform to all federal motor vehicle safety standards.

**Budget Impact:** There is no budget impact associated with approving the submittal of the grant application since Fire Rescue personnel will complete the request. The DHS-FEMA-AFG will provide an estimated \$157,500.00 towards the purchase of a Wildland and Special Response Fire Apparatus with a required 10% local match estimated at \$17,500.00. If the grant is awarded, City Council will be required to accept or decline the grant award.

**Strategic Impact:** Be one of the safest communities in the region. Maintain fire response times at superior levels.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3895-20.

Attachment: DHS AFG Notice of Funding Opportunity (pg. 1-3)  
Prepared by: Jeff Buchanan, Fire Chief

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** March 2, 2020  
**SUBJECT:** **Resolution No. 3896-20**, Purchase of Replacement and New Police Portable Radios

**Introduction:** This is a request for City Council to approve the purchase of 26 replacement radios and two (2) new portable radios and related equipment, and surplus 26 police radios.

**Discussion:** The Oviedo Police Department needs to replace 26 older portable radios whose hardware and software are no longer supported by the manufacturer, rendering them obsolete. Motorola Solutions, Inc. is the vendor of choice to ensure system continuity throughout Seminole County and neighboring counties. Additionally, two (2) new radios will be purchased to accommodate an increase in staffing.

The 26 older radios are eligible for a trade-in allowance toward the purchase of the new radios provided an order is placed prior to March 23, 2020. The trade in allowance is \$400 per radio, for a total of \$10,400. The total cost for the replacement and purchase of the new radios, including all necessary accessories, should not exceed \$147,342.

**Budget Impact:** Sufficient funds for the replacement radios are included in the FY2019/20 Adopted Budget. Funds for the two (2) new radios and associated equipment will be purchased utilizing Police Impact fees. A budget amendment for the use of Police Impact Fee Funds and recognition of sale of the 26 existing radios is provided in Exhibit 1 to Resolution No. 3896-20.

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

**Recommendation:** It is recommended that City Council adopt Resolution No. 3896-20.

Attachment: Motorola Solutions, Inc. quote

Prepared by: Mike Beavers, Deputy Chief of Police  
Reviewed by: Kelly Jones, Assistant Finance Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** March 2, 2020  
**SUBJECT:** **Resolution No. 3897-20**, Emergency Water Main Repair Project

**Introduction:** This is a request for City Council to approve an emergency purchase order in the amount of \$57,544.18 to Affordable Development, a division of Driveways, Inc. (Affordable) for emergency repairs related to a damaged water main on State Road 426.

**Discussion:** On Wednesday, February 12, 2020 a private contractor damaged a City water main within the State Road 426 right-of-way adjacent to the Oviedo Medical Center entrance. The work being performed by the private contractor was unrelated to any City project. The water main is one of two potable water service lines to the Oviedo Medical Center. In addition to the damaged water main, the resulting washout damage was significant to the road right-of-way and sidewalk which was also threatening the City's 12-inch wastewater force main which was exposed due to the washout.

City Staff was unable to repair the pipe with City equipment because of the depth of the damaged water main pipe. As such, staff engaged the services of an existing piggyback contractor, Affordable Development, who was on site the next day to assess the damage.

The work proceeded under the City's emergency purchase order process, outlined in the City's Purchasing Policy, in order to reestablish the second potable water connection to the Oviedo Medical Center and to restore the State Road 426 roadway operation. The repair work started on February 14, 2020 and was also coordinated with the Florida Department of Transportation. Repairs were completed on February 24, 2020 for a cost of \$57,544.18. The invoice for this work is provided in Exhibit 1 of Resolution No. 3897-20.

Staff anticipates recovering the cost of this work through an insurance claim of the responsible contractor.

**Budget Impact:** A Budget Amendment is provided in Exhibit 2 of Resolution No. 3897-20 for use of fund balance.

**Strategic Impact:** Ensure that the infrastructure meets the capacity needs of the City.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3897-20.

Prepared by: Susan Sheikh, Operational Resources Manager  
Reviewed by: Bobby Wyatt, Public Works Director

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** March 2, 2020  
**SUBJECT:** **Resolution No. 3899-20**, First Amendment to Geneva Drive Realignment Agreement

**Introduction:** This is a request for City Council to approve the First Amendment to Geneva Drive Realignment Agreement (First Amendment) to facilitate the realignment of the Geneva Drive right-of-way (ROW) to the east as part of Phase 2 of the SR 426-CR 419 Widening Project, the vacation of the existing Geneva Drive ROW, and the vacation of the Railroad Street ROW.

**Discussion:** At its November 18, 2019, meeting, City Council adopted Resolution No. 3862-19 approving the Geneva Drive Realignment Agreement (Agreement) to facilitate the realignment of the Geneva Drive ROW to the east as part of Phase 2 of the SR 426-CR 419 Widening Project, the vacation of existing Geneva Drive ROW, the vacation of Railroad Street ROW, the issuance and use of impact fee credits, cost sharing of stormwater improvements, and cost sharing of intersection improvements. A copy of the Agreement is provided in the Attachment.

The Agreement includes for the following City Obligations:

Section 3.1 requires the City to consider for approval, on or before the one hundred twentieth (120th) day after the Effective Date the following actions, as determined applicable, to vest title in the Property Owners to that part of Old Geneva Drive west of Realigned Geneva Drive reflected in Exhibit “C” attached hereto (the “Old Geneva Drive Section”): (A) vacation and abandonment and/or (B) conveyance via deed. In connection with such actions, the Property Owner will grant to the City the Wastewater Services Easement as set forth herein above.

The effective date of the Agreement is November 19, 2019. The deadline for this Section is 120 days from the effective date which is March 18, 2020.

Section 3.2 requires the City to consider for approval, on or before the one hundred twentieth (120th) day after the Effective Date, the following actions, as determined applicable, to vest title in the Property Owner to that part of Railroad Street reflected in Exhibit “D-1” attached hereto (the “City Railroad Street Section”): (A) vacation and abandonment and/or (B) conveyance via deed.

The deadline for this Section is 120 days from the effective date which is March 18, 2020.

Section 3.4 requires the City to consider for approval, on or before the one hundred twentieth (120th) day after the Effective Date, a Vested Rights Determination confirming the use of the remainder of the Property Owner's property located at 110 Geneva Drive for a convenience store with gas pumps. No separate application or fee shall be required in connection with such determination.

The deadline for this Section is 120 days from the effective date which is March 18, 2020.

Section 3.8 requires the City to consider for approval by the Land Use Administrator, in accordance with Land Development Code Section 2.9., on or before the ninetieth (90th) day after the Effective Date, (i) the continued use after the Initial Closing of the remainder of the 110 Geneva Drive Property west of the Realigned Geneva Drive Right-of-Way for retail and office uses regardless of any non-conforming characteristics that exist before the Initial Closing or may increase after the Initial Closing and (ii) approval of the relocation or replacement of the septic tank and drain field or connection to central sewer and relocation or replacement of any other structures or vehicular use areas that are impacted. The Parties acknowledge that any approval by the City of the relocation or replacement of the septic tank and drain field is as to site plan only and that such relocation or replacement will be subject to approval by the Florida Department of Health.

The deadline for this Section is 90 days from the effective date which is February 17, 2020.

Due to unforeseen delays in the design in the Realigned Geneva Drive, the Staff and Property owners have been unable to finalize the legal descriptions of the Old Geneva Drive Section, Railroad Street and the remainder of Property Owners property located at 110 Geneva Drive. These delays have and will prevent the City from meeting the above deadlines. City Staff and the Property Owners' representatives have been diligently working to accomplish the necessary action items within the Agreement's prescribed deadlines. However, since the necessary legal descriptions cannot be finalized within the Agreement's deadlines, City Staff, the City Attorney, and the Property Owners' representatives agree that the deadlines need to be modified to later dates.

The First Amendment to the Geneva Drive Realignment Agreement provided in Exhibit 1 of Resolution No. 3899-20 amends Sections 3.1, 3.2, 3.4, and 3.8 of the agreement to accomplish the following:

*Section 3.1.* Changes the deadline from "on or before the one hundred twentieth (120th) day after the Effective Date" to "July 20, 2020."

*Section 3.2.* Changes the deadline from "on or before the one hundred twentieth (120th) day after the Effective Date" to July 20, 2020."

*Section 3.4.* Changes the deadline from "on or before the one hundred twentieth (120th) day after the Effective Date" to July 20, 2020."

*Section 3.8.* Changes the deadline from “on or before the ninetieth (90th) day after the Effective Date” to “August 17, 2020.”

The recommended deadlines do not affect the closing dates anticipated in the Agreement. City Staff recommends approval of the First Amendment. The Assistant City Attorney reviewed the First Amendment and found no legal objections.

**Budget Impact:** There is no budget impact associated with adoption of Resolution No. 3899-20.

**Strategic Impact:** Continue implementing transportation master plan. Widen SR 426. Widen CR 419. Foster redevelopment of historic downtown.

**Recommendation:** It is recommended that City Council adopt Resolution No. 3899-20.

Attachments: Geneva Drive Realignment Agreement

**AGENDA  
MEMORANDUM**

**TO:** Honorable Mayor and City Council Members  
**FROM:** Bryan Cobb, City Manager  
**DATE:** March 2, 2020  
**SUBJECT: Purchase and Sale Agreement for City Owned Property**

**Introduction:** This is a request for City Council to authorize the City Manager to negotiate a Purchase and Sale Agreement (P&SA) with Recycled Concrete & Materials, Inc. for approximately ninety-five (95) acres of City-owned property located on the north side of Evans Street, obtain a MAI appraisal of said property, and bring back the P&SA and appraisal for City Council consideration.

**Discussion:** Staff received a request from Mr. David Axel representing Recycled Concrete & Materials, Inc., (RC&M) requesting that the City Council authorize the City Manager to:

1. Negotiate a Purchase and Sale Agreement for the Landfill property with Recycled Concrete & Materials, Inc. generally structured as follows:
  - a. to be priced based upon a MAI appraisal obtained by the City that takes into account the property condition and the P&SA contemplated use approvals
  - b. to include that portion of the property located in Section 11 and 14 of Township 21 South, Range 31 East as described by that certain Warranty Deed dated June 19, 2009 recorded in Official Records Book 7207 Page 1198, Official Records of Seminole County, Florida north of E. Broadway St., as generally identified by Seminole County tax id. nos. 11-21-31-300-041A-0000, 11-21-31-300-045A-0000, 14-21-31-300-001B-0000 (the "Parent Tract"), less that 1.87+- acre cleared portion to be retained by the City (as per Mr. Wyatt's request) in the southeast corner east of the east line of the Oviedo Public Works facility (tax id no. 14-21-31-300-001K-0000) as generally depicted on the Aerial Tax Map provided in Attachment 2.
  - c. with the sale to be subject to the following easements in favor of the City as generally shown on the Aerial Tax Map provided in Attachment 2:
    - 1) an East Haul Road easement from the City Retained Tract along the east boundary of the property to the extent the existing haul route is located thereon, it being the intention to provide an easement over the entire existing path as determined by survey and

- 2) a West and North Trail easement for a pedestrian trail easement along the west and north boundaries of the Property, it being the intention to provide an easement over the entire existing path as determined by survey.
  - d. to provide for an inspection period
  - e. to provide for an approval period for specified uses, either by Vested Rights Determination or CPA/ZMA/SEUO, or some combination thereof
2. Obtain a MAI appraisal based upon the property condition and the contemplated use approvals.

A copy of the request is provided in Attachment 1.

At its April 20, 2009, meeting, City Council adopted Resolution No. 1976-09 approving the purchase of approximately 95 acres, comprised of the subject property located on the north side of Evans Street; and another parcel containing approximately 0.36 acres at the northwest corner of County Road 419 and Carolyn Drive. The total purchase price was \$650,000 plus miscellaneous real estate transactions fees and expenses as outlined in the contract for sale and purchase. A copy of the April 20, 2009, agenda memorandum and supporting attachments is provided in Attachment 3. A copy of Resolution No. 1976-09 is provided in Attachment 4. A copy of the April 20, 2009, City Council meeting minutes is provided in Attachment 5. A copy of the executed purchase and sale agreement is provided in Attachment 6.

When the City purchased the subject property, a portion of the property was being leased to Recycled Concrete Products, Inc. (RCP), which operated a concrete recycling business on the closed landfill. Concrete trucks drop off concrete and debris and a machine pulverizes and separates the materials into piles that are sold for use as sub-base for driveways and other uses. The lease agreement required RCP to pay an annual rent of \$15,000 payable monthly at a rate of \$1,250. A copy of the original lease is provided in Attachment 7.

In July of 2016, RCP assigned the lease agreement to RC&M. RC&M agreed to assume all of RCP's obligations, responsibilities, and duties under the lease agreement. A copy of the Lease Agreement Assignment is provided in Attachment 8. The City and RC&M extended the Lease Agreement in 2016, extending the termination of the lease agreement to June 19, 2020 with the lease agreement automatically renewing for consecutive one (1) year terms, ending on June 19th of each year, in accordance with the terms of the lease agreement. A copy of the 2016 Extension is provided in Attachment 9.

The subject property is identified in the Recreation and Parks Master Plan for future expansion because of its location adjacent to Shane Kelly Park and the Oviedo Sport Complex. Acquisition of subject property not only provided the opportunity to expand the City's park system and tie together both parks, but also provided for connectivity with all City properties located along Evans Street. A copy of the pertinent pages from the Recreation and Parks Master Plan are provided in Attachment 10.

When the City purchased the property, it did so with the understanding that it would have to continue the environmental monitoring required by the Florida Department of Environmental Protection (FDEP). This monitoring was required for thirteen (13) more years, through 2022, at a cost of \$16,898.77 annually.

City Council considered a similar request at its May 29, 2019, work session, and thereat, asked staff to provide the description of the property in the Recreation Master Plan and the latest results of the FDEP monitoring. A copy of the pertinent pages from the Recreation and Parks Master Plan is provided in Attachment 10. A copy of the latest monitoring report is provided in Attachment 11.

At the meeting, Staff will seek City Council direction as to whether or not to proceed with the requested authority to negotiate a P&SA and obtain a MAI appraisal for the subject property.

**Budget Impact:** To date, the City has received \$165,000.00 in revenue from the lease, and paid \$128,890.90 to continue the FDEP monitoring program. If the City sells the property, the lease will terminate. It will be the new owner's obligation to continue the FDEP monitoring program.

The City financed the acquisition of the subject property through a \$595,000 Capital Improvement Revenue Note issued in 2009. The 2009 Note financed the acquisition of the subject property and construction of capital improvements in the City. Capital Improvement Refunding Revenue Note (CIRRN) 2012C refunded the 2009 Note. CIRRN 2012C matures in FY 2023/24. The balance of principal and interest due is \$243,980.30.

The cost of the requested appraisal should be approximately \$5,000.

**Strategic Impact:**

**Pro:** Promote diversification of the local economy. Continuing on-going business retention efforts.

**Con:** Execute and update the Recreation Master Plan. Maintain current ratio of park land to number of residents.

**Recommendation:** It is recommended that City Council provide direction as to whether or not to proceed with the requested PS&A negotiation and MAI appraisal for the subject property.

- Attachments:
1. Request from Mr. Dave Axel
  2. Aerial Tax Map
  3. April 20, 2009 Agenda Memorandum and Supporting Attachments
  4. Resolution No. 1976-09
  5. April 20, 2009, City Council Meeting Minutes
  6. Executed Contract for Sale and Purchase
  7. Lease Agreement with Recycled Concrete Products, Inc.
  8. Assignment of Lease Agreement
  9. 2018 Extension of Lease Agreement
  10. Recreation and Parks Master Plan
  11. 2019 Landfill Monitoring Report