

**CITY COUNCIL AGENDA
REGULAR MEETING
Monday, February 03, 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 January 13, 2020 Work Session and January 21, 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. None.

PUBLIC HEARINGS

5. None.

FIRST READING OF ORDINANCES

6. None.

RESOLUTIONS

7. **Resolution No. 3881-20**, Order of Business and Rules and Procedures for Public Meetings.
8. **Resolution No. 3882-20**, Delegation of Authority to City Manager.

DISCUSSION ITEMS

9. State of the City.
10. City Charter Review Committee.

CITY MANAGER'S REPORT

City Manager Bryan Cobb

CITY ATTORNEY'S REPORT

COMMUNICATIONS AND REPORTS

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

FUTURE MEETING DATES

- Monday, February 17, 2020, 6:30 p.m. Regular Session
- Monday, March 2, 2020, 6:30 p.m. Regular Session
- Monday, March 16, 2020 NO 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.

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: January 13, 2020

SUBJECT: **Resolution No. 3881-20**, Order of Business and Rules and Procedures for Public Meetings

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

Introduction: This is a request for City Council to approve proposed revisions to the Order of Business and Rules and Procedures for Public Meetings Standard Operating Procedure (SOP).

Discussion: At its December 2, 2019 meeting, City Council gave consensus to have a work session discuss proposed revisions to the Order of Business and Rules and Procedures for Public Meetings SOP. At its January 13, 2020, Worksession, City Council consensus was to revise the SOP in accordance with City Council's discussion. The proposed revisions are summarized below.

- (1) Changes "Mayor" to "Presiding Officer" throughout the entire document.
- (2) Under **REGULAR MEETINGS**, revises the Discussion Items Section to read:

This section of the agenda is the opportunity for the City Council to discuss new items of business for which no formal action is yet required or to provide preliminary policy direction to the City Manager. Discussion Items may be placed in this section of the agenda by the City Manager. A City Council member may request that the City Manager place a Discussion Item in this section of the agenda. The City Manager will determine the best available agenda to place the requested Discussion Item based on the amount of time needed to prepare the requested Discussion item and the number of items already scheduled for future agendas. If necessary, the City Manager may request a work session to discuss the requested Discussion Item. No action shall be taken by the City Council on Discussion Items. There is no public comment under this section of the agenda unless specifically noticed on the agenda or authorized by a consensus of the City Council upon the introduction of the agenda item.

- (3) Under **WORK SESSION MEETINGS**, revises the 4th Sentence of the 1st Paragraph to read:

Public comment is not allowed at Work Sessions unless specifically noticed on the agenda or authorized by a recorded majority consensus of City Council at or before the work session.

- (4) Under **STANDARDS OF CONDUCT FOR ELECTED OFFICIALS-ETHICS**, revises the 1st Paragraph to read:

The City Council of the City of Oviedo is a collegial body that must operate as a unit in order to act in any official capacity. As such, Council Members deem it appropriate to work in a spirit of cooperation and to keep each other well informed of their actions prior to any formal plan being acted upon.

A copy of the adopted SOP is provided in Attachment 1. The proposed revisions are provided in Attachment 2. Additions are shown in blue underline. Deletions are shown in red strikethrough.

Budget Impact: There is no budgetary impact arising from revisions to the proposed Order of Business and Rules and Procedures for Public Meetings SOP.

Strategic Impact: Reinforce High-Performance Government by improved process management.

Recommendation: It is recommended that City Council adopt Resolution No. 3881-20.

- Attachments:
1. Adopted Order of Business and Rules and Procedures for Public Meetings SOP
 2. Proposed Revisions to the Order of Business and Rules and Procedures for Public Meetings SOP

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: February 3, 2020
SUBJECT: **Resolution No. 3882-20**, Delegation of Authority to City Manager
Procedure: Call Up Item
City Manager Background
Public Comment - Request to Speak Forms submitted prior to beginning of meeting.
Council Motion & Discussion
Council Action

Introduction: This is a request for City Council to approve proposed revisions to the Delegation of Authority to City Manager Standard Operating Procedure (SOP).

Discussion: At its December 2, 2019 meeting, City Council gave consensus to have a work session to discuss proposed revisions to the Delegation of Authority to City Manager SOP. City Council's primary discussion topic was to delegate to the City Manager the authority to execute Development Agreements and Orders approved by the City Council. Section 3.05(a)(6) of the City's Charter states following:

Sec. 3.05. – Mayor; deputy mayor; duties.

- (a) The mayor shall have the following duties, but shall not exercise administrative powers of the city:
 - (6) To execute ordinances, resolutions, contracts, agreements, and other instruments of the city.

Section 4.01(4)(n) of the City's Charter states the following:

Sec. 4.01. – City manager-Appointment, qualification, and compensation; responsibilities.

- (4) Powers and duties. The city manager shall be responsible to the city council for the proper administration of all affairs of the city coming under his or her jurisdiction, and to that end the city manager shall:
 - n. When authorized so to do by the city council, perform such other duties as may be required of the city manager by motion, direction, ordinance, or resolution of the city council.

The Delegation of Authority to City Manager SOP lists the duties that City Council has authorized the City Manager to perform. A copy of the adopted SOP is provided in Attachment 1. At its January 13, 2020, Worksession, City Council consensus was to revise the SOP in accordance with City Council's discussion. The proposed revisions are summarized below and provided in Attachment 2.

1. Revises Section A(5) to delete the list of items and dollar amounts, reference the City Manager's purchasing authority under the City's Purchasing SOP, and maintain the City Council's approval authority for goods or services provided directly to the City Council. It is recommended that this section be revised to read:

Goods and Services Contracts and Agreements; Piggyback Agreements; Construction Agreements; Purchase Orders; Work Orders; and Renewals, Extensions, and Amendments thereto within the City Manager's delegated purchasing and procurement authority which do not relate to goods or services provided directly to the City Council such as professional advisors and consultants (engineers, planners, financial advisors, lobbyists, financial auditors) who provide advice and counsel directly to the City Council.

2. Adds Section A(6). *Notices of Commencement for construction agreements.*
3. Renumbers the remainder of Section (A).
4. Revises Section A(8) to read: *Plan documents of employee benefit services.*
5. Revises Section A(14) to read: *Facility Use Agreements for City owned buildings, land, etc., including but not limited to, Youth League Agreements (i.e. Babe Ruth, Little League, and Florida Kraze Krush).*
6. Adds the following to Section A:
 18. *Grant Agreements with other government agencies.*
 19. *City Special Event Applications and Alcohol Permit Applications.*
 20. *Building Permit Applications for City Facilities and Properties.*
 21. *Development Order/Permit Applications for City Facilities and Properties.*
 22. *Development Agreements/Orders/Permits.*
 23. *Golf Course Management Agreements.*

No revisions are recommended for Sections B through E. A copy of the proposed revisions is provided in Attachment 2. Additions are shown in blue underline. Deletions are shown in red strikethrough.

Budget Impact: There is no budgetary impact arising from revisions to the Delegation of Authority to City Manager SOP.

Strategic Impact: Reinforce the High-Performance Government by improved process management.

Recommendation: It is recommended that City Council adopt Resolution No. 3882-20.

Attachments: 1. Adopted Delegation of Authority to City Manager SOP
 2. Proposed Revisions to the Delegation of Authority to City Manager SOP

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members
FROM: Bryan Cobb, City Manager
DATE: February 3, 2020
SUBJECT: State of the City

Introduction: This is a request for City Council to discuss the upcoming State of the City, which will take place on March 4, 2020.

Discussion: At its January 6, 2020 meeting, City Council gave consensus to alter the format of the State of The City program, which will take place on March 4, 2020, at 6:30 PM in the Oviedo on the Park Cultural Center.

Mayor Sladek requested that all Council Members would speak at the State of the City. The Council gave a consensus to have a group presentation at the event. Subsequently, Mayor Sladek provided an outline of possible subject areas Council Members may cover during individual presentations.

The suggested Council Member topics are:

1. Mayor Sladek: Master of Ceremonies, Introduction, Environment, and Infrastructure.
2. Deputy Mayor Pollack: Roads, Sidewalks, and Transportation.
3. Council Member Britton: Seniors, Youth, and Recreation.
4. Council Member Chudnow: Public Safety.
5. Councilmember Smith: Upcoming Restaurants and Development.

The suggested format additionally includes a pre-produced video which will be cut into in between the individual presentations.

The program will wrap up with 20 minutes of pre-submitted questions.

Further information may be found in the attachments provided.

Budget Impact: There is no budgetary impact arising from a discussion of the State of the City Address.

Strategic Impact: Foster and maintain a strong sense of community identity and of place.

Recommendation: Staff seeks City Council's direction regarding proposed production and topics to be presented at the 2020 State of the City address.

Attachments: 1. December 17, 2020, Email from Mayor Sladek
2. January 22, 2020, Email from Mayor Sladek

Prepared by: Patrick Kelly, Assistant City Manager

**AGENDA
MEMORANDUM**

TO: Honorable Mayor and City Council Members

FROM: Bryan Cobb, City Manager

DATE: February 3, 2020

SUBJECT: City Charter Review Committee

Introduction: This is a request for City Council to provide direction regarding the Charter Review Committee (CRC or Committee).

Discussion: At its January 21, 2020, meeting, City Council directed staff to seek applications for a CRC. Based on City Council's discussion, Staff's understanding is:

1. The Committee shall have fifteen (15) members.
2. Committee members shall be City residents and registered to vote.
3. The deadline to submit an application to the City Clerk is Monday, February 10, 2020 at 5:00 p.m.
4. The application shall contain a check box asking if the applicant has been employed by the City or served as an elected official and identifying the last year of service.
5. City Council's goal is to place any recommended Charter revisions on the November 3, 2020 ballot. Therefore, the Committee must complete its work by May 18, 2020. However, the Committee may ask for more time.
6. Each Council member shall vet and appoint three (3) qualified applicants to the Charter Review Committee.
7. Staff will search for a professional facilitator to assist the Committee with its duties.

Through coordination with the Seminole County Supervisor of Elections Office, staff developed the following schedule:

- May 18th: Charter Committee Finalizes Recommendations
- June 1st: City Council Decision on which recommendations to forward to electors.
- June 15th: City Council First Reading of Ordinance
- July 6th: City Council Second Reading of Ordinance and Public Hearing
- July 20th: Transmit ballot language to Spanish translator
- August 21st: Deadline to transmit ballot language to the Supervisor of Elections

November 3rd: General Election

The Spanish language translation company requests a minimum thirty (30) days to complete referendum translations.

During Council's January 21st meeting, members of the audience suggested the following:

1. Hire a professional facilitator that is not the City Attorney.
2. City Council not serve as the Committee. Appoint a citizen committee.
3. Each Council member appoint three (3) Committee members for a total of fifteen (15).
4. Exclude former City employees or elected officials who have left the City within the last five (5) years.
5. Charter revision questions not be bundled.
6. City Council send the Committee's recommendations to the voters without revisions.
7. The Committee be allowed to review the entire Charter. City Council should not direct the review of selected sections.
8. The Committee should complete its work as quickly as possible to accommodate this year's elections.
9. Charter Review Committees typically meet for 1 year.

This request is to give City Council an opportunity to better organize the process for selecting the CRC in preparation for its February 17, 2020, meeting. It is also an opportunity to provide direction regarding the Resolution appointing the Committee and outlining the Committee's duties and directions and the roles of City Staff and the City Attorney. A draft Resolution is provided in Attachment 2.

Committee Selection: The purpose of this request is for City Council to confirm the process for appointing Committee members. As stated above, it is staff's understanding that the Committee will have fifteen (15) members selected from the submitted applications and each City Council member shall individually vet and appoint three (3) CRC members.

Two methods to accomplish this include:

1. Each Council member, in order of the Mayor, Deputy Mayor and Council members by seniority, appoints one Committee member at a time until the Committee reaches fifteen (15) members.
2. Each Council member, in order of the Mayor, Deputy Mayor and Council members by seniority, appoints three (3) candidates who are appointed to the Committee until all seats are filled.

Section 2 of the draft Resolution provided in Attachment 2 requires the following:

- (A) Each City Council Member shall appoint three (3) CRC members for a total of fifteen (15) members.
- (B) The CRC members shall be City residents and registered voters.
- (C) Interested candidates shall complete and submit an application for membership to the City Clerk on or before 5:00 p.m., Monday, February 10, 2020. The City Clerk shall provide the completed applications for the City Council's consideration and appointment.
- (D) All CRC members shall serve from the date of their appointment until the sunset of the CRC as provided herein.
- (E) The CRC members shall serve without compensation.

Another question for City Council consideration is who appoints the Committee Chair, City Council or the Committee? Section 4 of the draft Resolution provided in Attachment 2 provides the following:

- (A) At the first CRC meeting, the CRC shall select from its membership, a chairperson and a vice-chairperson and organize itself as it deems appropriate in order to carry out the duties assigned to the CRC by the City Council.

All meetings of the CRC shall be conducted in accordance with Section 286.011, Florida Statutes, Florida's Sunshine Law and this Resolution. All CRC meetings shall be noticed and open to the public. The public shall be encouraged to submit verbal and written comments to the CRC. The CRC shall have minutes of each meeting taken, which minutes shall be promptly recorded with the City Clerk and such records shall be open to public inspection.

- (B) A majority of the CRC members shall constitute a quorum necessary to conduct business of the CRC.
- (C) CRC meetings shall be held beginning at 6:00 p.m., or shortly thereafter, on a weekday, commencing on Thursday, March 5, 2020, in the City Council Chamber, Oviedo City Hall, 400 Alexandria Boulevard, Oviedo Florida, 32765. At its first meeting, the CRC shall establish its meeting schedule.

Committee Duties and Directions: At its January 21st meeting, City Council discussed having the committee review the entire Charter. In the past, the City Council has specified what Charter sections are to be reviewed. Section 5 of the draft resolution provided in Attachment 2 contains the following duties:

- (A) The CRC shall conduct a thorough review of the existing City Charter. The CRC is directed to undertake a complete and thorough review by receiving input from citizens and CRC members as to changes and amendments that will allow the City's government to function efficiently, effectively, and in the best interest of its citizens.
- (B) Particular attention should be paid to providing a document that is both consistent with the City's current ordinances and that will enable the City's governing body and administrators

to meet the needs of the citizens. Areas best regulated by ordinance or resolution should not be generally considered for inclusion in the Charter.

- (C) The CRC shall advise the City Council of its review results and any recommendations for amendments to the City Charter on or before May 18, 2020. If deemed necessary, the CRC may request more time to prepare its recommendations knowing that such extra time may result in the recommended amendments being considered by the City's registered voters in 2021.

Is the Committee's scope limited to the preparation of recommended revisions? Does City Council wish to have the Committee prepare and participate in an education program for any recommended revisions placed on the ballot. Such duties will have to be added to the draft Resolution provided in Attachment 2 if City desires such extra duties.

Role of City Staff and City Attorney: At its January 21, 2020, meeting, City Council directed that the services of a professional facilitator be engaged to coordinate the activities of the Committee. However, Council did not provide direction as to the role of City staff and the City Attorney. Traditionally, at a minimum, the City Manager, City Attorney, and City Clerk provide technical assistance to the Committee and the facilitator. The City Clerk traditionally records the meetings and produces the meeting minutes. The City Manager and City Attorney attend the meetings and provide technical assistance. It is also possible for Department Directors to provide technical support to the Committee. Section 10 of the draft Resolution provided in Attachment 2 establishes the roles of the City Staff and the City Attorney.

- (A) The City Attorney is hereby directed to assist the CRC in its organization and provide technical assistance with considering, formulating and making amendments to the Charter. However the City Council may also authorize the services of such other attorneys, consultants, and advisors as it deems appropriate.
- (B) The City Clerk, or designee, shall assist the CRC by recording CRC meetings, preparing CRC meeting minutes, posting CRC meeting notices, and providing technical assistance with considering, formulating and making amendments to the Charter.
- (C) The City Manager, or designee, shall provide technical assistance to the CRC with considering, formulating and making amendments to the Charter. The CRC may also seek input from City Department Directors as it deems appropriate.

Budget Impact: There will be a cost associated with engaging an outside facilitator to coordinate the work of the Charter Review Committee, general operating supplies for the Committee, and City Attorney and City Staff attendance at Committee meetings. Engagement of the facilitator may require a budget amendment.

Strategic Impact: Review of the City's Charter is consistent with the Goals, Objectives, and Strategies of the High Performance Government Strategic Focus Area.

Recommendation: It is recommended that the City Council provide direction on appointing the Charter Review Committee; the Committee's duties and directions; and the roles of the City Staff and City Attorney.

Attachments: 1. City Charter
 2. Sample Resolution