

## AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, FEBRUARY 21, 2011**  
**6:30 P.M.**

**DELTONA COMMISSION CHAMBERS**  
**2345 PROVIDENCE BLVD.**  
**DELTONA, FLORIDA**

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### AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL - CITY CLERK**
3. **SILENT INVOCATION AND PLEDGE TO THE FLAG:**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Minutes:**

**Regular City Commission Meeting – February 7, 2011.**

The Commission voted unanimously to adopt the minutes from the Regular City Commission Meeting of February 7, 2011 with the following request: to include the questions and answers that Commissioner Zischkau asked Ms. Spriggs during the presentation of the Fire Fighters Pension Board quarterly report.
  - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
  - A. **Certificate of Recognition - Sheriff's Office Employee of the Year - Investigator Aaron Blais.**
  - B. **Presentation by Mr. Randall Brown, Regional Field Director, Florida Department of Financial Services.**

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.  
(4 minute maximum length)**

**CONSENT** All items marked with an \* will be considered by one motion unless removed  
**AGENDA:** from the Consent Agenda by a member of the City Commission. If an item is removed for clarification only, it will be discussed immediately following action on the Consent Agenda. If an item is removed for further discussion, it will be discussed under New Business immediately following the last listed item.

**7. CONSENT AGENDA:**

**\*A. Request for waiver of fess - Deltona Little League Opening Day Parade.**

*Earl Missouri, President of Deltona Little League, has submitted a request to the City for a waiver of all fees associated with the Spring 2011 Deltona Little League opening day parade scheduled on Saturday, March 5, 2011.*

*The total fees associated with this parade are \$ 470.00, which include the following:*

*Public Works-0-*

*VCSO -\$320.00*

*Fire Dept.- \$ 100.00*

*Parks and Recreation Application Fees-\$ 50.00*

**Approved by Consent Agenda – to authorize staff to waive the fees in the amount of \$470.00 associated with the annual Deltona Little League Opening Day Parade on Saturday, March 5, 2011.**

**B. Request for Approval of Award of Bid #PW 11-01, Roadway Improvements for Fort Smith Boulevard (Section 2) Providence Boulevard to Primrose Terrace.**

*Recently, Roadway Improvements to the Section 3 portion of Fort Smith Boulevard (Primrose Terrace to Rookery Avenue) were completed. The Public Works Division is prepared to proceed with the next portion of the project for the Roadway Improvements of Fort Smith Boulevard (Section 2), Providence Boulevard to Primrose Terrace. This project is a major road improvement project and involves the following:*

- Reconstruction of 1.65 miles of 2 lane rural section roadway on Fort Smith Boulevard to a 3 lane urban section.*
- Reconstruction of 475' of 2 lane urban and rural section roadway of Normandy Boulevard to 3 lane urban sections.*
- Signalization of the Normandy Boulevard and Fort Smith intersection.*
- Construct 6 drainage retention ponds.*

- *Construct 13,176' of 18" to 30" storm drainage pipe and 160 storm drainage structures.*
- *Construct 2,000 linear feet of 8" PVC gravity sanitary sewer main, 262 linear feet of 10" PVC gravity sanitary sewer main, 13 sanitary sewer manholes, 52 laterals and 3 tie-ins to existing mains or manholes.*
- *Construct 7,755 linear feet of 16" PVC/DIP water main, 380 linear feet of 12" PVC/DIP water main, 350 linear feet of 8" PVC/DIP water main, 1,865 linear feet of 6" PVC/DIP water main and 1,280 linear feet of 4" PVC/DIP water main, 68 services, 28 tie-ins to existing mains, and various valves, fittings, fire hydrants and appurtenances.*
- *Demolition, clearing and grubbing of existing concrete, asphalt and vegetation and restoration of concrete, asphalt and sodding along gravity and water main routes outside the limits of the roadway reconstruction.*
- *Demolition and removal of existing gravity sewer main and manholes and grouting and abandonment or removal of existing water main.*
- *Striping, signage, pavement markings, temporary traffic control devices and signalization.*

*The bid was solicited on demandstar and went out to 2,225 Contractors. There were 90 planholders for this bid and six (6) responsive bids were received as follows:*

- 1. Halifax Paving \$4,954,326.53*
- 2. Masci Corporation \$5,122,826.05*
- 3. Built Rite Construction \$5,129,844.85*
- 4. P & S Paving \$5,242,924.11*
- 5. Allstate Paving \$5,745,243.30*
- 6. Ranger Construction \$6,052,018.35*

*Halifax Paving, Inc., has performed numerous projects of this size for other government entities, as well as other previous projects for the City of Deltona. The Public Works Director, City Engineer and the Engineer of Record have all performed a thorough review of all bids received and have determined that Halifax Paving, Inc. is the successful low bidder.*

**After discussion, the Commission voted unanimously to approve award of Bid #PW 11-01 for the Roadway Improvements of Fort Smith Boulevard (Section 2) from Providence Boulevard to Primrose Terrace to Halifax Paving, Inc.**

- \*C. Request for Approval to Purchase two (2) parcels of property for use in the next phase of the Ft. Smith Blvd. project.**

*It is necessary to acquire two parcels of property for the next phase of the Ft. Smith Blvd. project. The Commission authorized the acquisition of these two parcels. In proceeding toward a taking of the properties using the City's eminent*

*domain power, my office contacted the owners in a final effort to avoid the costs of litigation. The City had previously offered to purchase the properties for \$35,200 each. Although the owners previously asked \$50,000 each, based upon the eminent domain contact, the owners are offering to sell the parcels to the City for \$37,000 each.*

**Approved by Consent Agenda – to approve the contracts for purchase of 1901 Marlow Street and 1024 Fort Smith Boulevard.**

**\*D. Request for Approval of Budget Amendment to pay for demolition of four (4) structures.**

*The City of Deltona has identified four structures for demolition:*

- *1520 Fort Smith Blvd*
- *1126 Alladin Dr*
- *862 Horizon St*
- *3274 Dellbrook Dr*

*Proper notice and posting has been performed to inform property owners of the City's intent to demolish these structures.*

*The bid request process has been completed. There were 16 respondents to the request for bid.*

*The lowest bid was: Smith Brothers Land Clearing, Apopka, Fl. \$14,452.00*

*This price includes the cost of complete demolition of the structures and the asbestos surveys required by the Environmental Protection Agency. However, the cost of any asbestos abatement is not included because the City does not have right of entry into these structures. The asbestos study will be performed by the contractors as part of the demolition process. The results of the asbestos survey will determine if any abatement is required and to what extent. At this point the contractor will provide the cost. When asbestos removal is necessary a change order will be created and a budget amendment requested if necessary.*

*A Budget Amendment of \$25,000.00 is requested to cover the cost of the demolition, \$14,452.00, and the balance, \$10,548.00, to be credited toward any asbestos removal. The source of the funding will be from the General Fund, General Government, 001190-524999, Other Current Charges. The funds will be transferred to 001190-5234, Other Contractual Services. This budget amendment results in no change to the Budgetary Fund Balance.*

**Approved by Consent Agenda – to approve the budget amendment in the amount of \$25,000 to pay for the demolition of structures and asbestos**

removal at the following locations: 1520 Fort Smith Boulevard, 1126 alladin Drive, 862 Horizon Street, and 3274 Dellbrook Drive.

**8. ORDINANCES AND -PUBLIC HEARINGS:**

**A. Public Hearing - Ordinance No. 01-2011, Pertaining to dispensing of controlled substances in the City of Deltona, for second and final reading.**

*In December 2010, the City Commission requested the preparation of an ordinance which would help curtail those medical offices where an overabundance of controlled substances are not only prescribed, but also dispensed. In an effort to eliminate or greatly reduce the possibility of an improper connection between the prescribing of controlled substances and the dispensing of controlled substances, an ordinance was drafted. Ordinance No. 01-2011 prohibits the dispensing of controlled substances from the same site or location where the substances in question are prescribed, with some limited exceptions.*

*This item was heard by the Planning and Zoning Board on January 19, 2011. The Board found Ordinance No. 01-2011 consistent with the Comprehensive Plan.*

*This item was approved on first reading by the Commission on February 7, 2011. The Ordinance hereto remains unchanged with the exception of some typographical corrections.*

After discussion, the Commission voted unanimously to approve Ordinance No. 01-2011, pertaining to dispensing of controlled substances in the City of Deltona, at second and final reading.

**B. Public Hearing – Ordinance No. 02-2011, An ordinance establishing Level 2 background checks for employees, for second and final reading.**

**Current Situation:** *City does Level I FDLE background screening for ALL new hires; this is an FDLE State of Florida criminal history check which does not include fingerprinting for the nationwide, or FBI, check.*

*The current cost per transaction for a Level I FDLE background screening is **\$24 each (projected \$1320 annual cost based on 55 new hires in FY 2011).***

*A Level II background check includes a fingerprinting requirement for the nationwide/FBI check; **the City must have an authorizing ordinance in place to conduct the Level II checks.** The required ordinance can be applied narrowly or broadly; the proposed City Ordinance has a broad application in that it includes testing of new hires and, if authorized by the City Commission, current employees who do or will work with vulnerable persons (which includes minors, handicapped persons, and the elderly); those who do or will work in positions of trust or*

*responsibility who will operate or be responsible for water or wastewater operations; those in positions of trust or responsibility who do or will operate City equipment or City vehicles or operate their own vehicle on City business; and it would also include testing of private contractors (vendors, repair persons, delivery persons) who will have unsupervised access to non-public areas in or around City facilities which are critical to security or public safety.*

**Level II Screening Equipment & Transaction Costs:**

Electronic (Digital) Fingerprint Scanner Equipment Cost (off state contract):

a) Desk Top Unit-- **\$7500\*** or, b) Portable Unit-- **\$8000\***

***\*includes all necessary hardware, software, connectivity to FDLE, necessary forms, 1 year warranty, 1 year helpdesk support, and 1 day of training/installation***

Level II Background Screening Transaction Cost: **\$43.50 each.**

*Depending on the City Commission's authorized target screenings the approximate costs will be as follows:*

- 1. New Hires Only: approx. up to **\$2400 annually** (based on projected 55 new hires in FY 2011)*
- 2. Current Employees: approx. one time cost of up to **\$11,136** (based on approx. 256 current employees and does not include current certified firefighters) Note: if desired, this action may be budgeted for fiscal year 2012 and the screenings done in/after October 2011.*
- 3. Private Contractors: **No Cost** (they will have to provide info to City).*

Delivery of Service Options:

- 1. Volusia County Sheriff's Office (1330 Indian Lake Rd—just north of VC EOC) does Level II screenings for several police departments and will do screenings for the City **without charging an administrative fee** for all new hires and current employees.*
- 2. Volusia County Sheriff's Office (local Deltona Office) does the screenings for the city—City provides the scanner equipment and the **VCSO will not charge an administrative fee**. Note: VCSO indicated that there is no funding available to purchase the equipment themselves. City would require that the VCSO take over maintenance/software update costs after one year; the VCSO indicated that they would be using the equipment to augment their own operations as well as*

*provide additional fingerprinting services to the citizens of Deltona for a nominal fee.*

*3. The City's human resources department does the screenings.*

*4. The City utilizes an FDLE-approved third party to do the screenings, i.e., Mobile Fingerprints LLC (**\$60 transaction fee; approx. \$3300 annual cost** based on projected 55 new hires and a projected one-time cost of approx. **\$15,360** based on approx. 256 current employees).*

**Staff Recommendations:**

*1. Have **VCSO (Indian Lake Rd)** do all City Level II screenings: **No Cost***

*2. Have targeted **private contractors** provide screening info as required: **No Cost***

*3. Commence screening all **New Hires** pursuant to Ordinance: approx. **\$2400 in FY 2011***

*4. Screen all **current employees** who have not been screened starting on/about October 2011 and provide funding in FY 2012 budget: approx. **\$11,136***

**Projected Total Cost Impact (based on Staff Recommendations):**

**FY 2011 \$2,400** (includes testing of approx.55 new hires-HRD budgeted for this)

**FY 2012 \$13,536** (includes cost of testing all employees and testing 55 new hires)

*The process and criteria conform to the direction given by the Commission for facility users.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 02-2011 at second and final reading, and to authorize staff to proceed with their recommended implementation schedule as presented.**

**C. Public Hearing - Ordinance No. 03-2011, An ordinance prohibiting the operation of internet cafes, for first reading.**

*Last fall, the Commission imposed a moratorium on the establishment of internet cafes. This Ordinance permanently prohibits these types of operations as described in the Ordinance. The Ordinance allows any such operation currently in existence in Deltona to remain in existence unless the operation ceases for more than 90 days. Cessation would normally be measured upon the lapse of an*

*occupational license or the discontinuance of utilities. An established operation would not be prohibited from relocating under the Ordinance.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 03-2011 on first reading, and to schedule second and final reading for March 7, 2011.**

**9. OLD BUSINESS:**

**A. Request for Approval for Renewal of Facility Use Agreement for 2010-2011 with the Taino Boxing Academy.**

*Taino Boxing Academy, Inc. is a Florida non-profit corporation who has maintained a long term facility use agreement with the City of Deltona since 2009. The Academy provides a recreational boxing program to Deltona youths.*

*Taino Boxing Academy is affiliated with USA Boxing, which is the national governing body of amateur, Olympic-style boxing, and is the United States member organization of the International Amateur Boxing Association (AIBA). As a national governing body recognized by the United States Olympic Committee, USA Boxing is responsible for the administration, development and promotion of Olympic-style boxing in the United States. USA Boxing is a non-profit organization and is managed by a Chief Executive Officer who reports to a Board of Directors.*

*Taino Boxing Academy utilizes the building located at the Campbell Park facility on Monday through Friday, from 4:00 p.m. to 8:00 p.m., with extended hours on school release days, and 11:00 a.m. to 8:00 p.m. during non-school sessions.*

*The standard fee for the use of this facility is \$35.00 per hour, less a 20% discount for entering into a facility use agreement. The City Commission waived fees for this facility use in 2009. The Academy is asking that the standard facility use fee be waived for the 2010-2011 period.*

*Discussion of this rental caused the Commission to review its background check policy and a draft policy was written. The current draft was modified at the direction of the Commission to base disqualification for facility users on convictions only, and to allow the waiver of any conviction over five years old. Based upon the background checks required by the Commission, the only conviction of a principal in this organization was more than five years ago.*

*Taino Boxing Academy has met the current requirements for a long term facility use agreement with the City. Staff recommends a one (1) year long term facility use agreement with an option to renew for three (3) additional one-year terms, subject to the receipt and acceptance of a timely facility use renewal form.*

After discussion, the Commission voted 4 to 3 (with Commissioners Denizac, Lowry, and Zischkau voting against the motion) to approve the long term facility use agreement with Taino Boxing Academy for use of the Campbell Park facility for a period of one year, effective December 13, 2010, with the option for a total of three (3) one-year renewals upon written agreement of both parties, and to waive the standard fee for the facility use.

**10. NEW BUSINESS:**

**A. Re-evaluation of Resolution No. 2010-17, Granting a Conditional Use for the property located at 1649 Providence Blvd. for use as a Farmer's Market under certain conditions.**

*In June of 2010, the City of Deltona modified provisions of the City's Code of Ordinances to facilitate a public market (a.k.a. farmer's market) through a Conditional Use Permit process within various zoning districts, including an R-1 classification. The subject site is located within an R-1 zoning district and the Conditional Use application required review by the Planning and Zoning Board and approval by the City Commission.*

*The Deltona Farmer's Market use at 1694 Providence Blvd. is currently co-located on a ±3.60 acre site that includes the ±8,000 square foot Deltona United Church of Christ; a ±4,462 square foot ancillary building that is used for a daycare and Church offices; a paved parking lot with 58 spaces; and an undeveloped grass area located in the northern section of the site. The grass area is currently used for overflow parking during peak worship activities.*

*Adjacent land uses include a liquor store to the north, residential to the east and south, and neighborhood convenience commercial to the west of the subject site. The subject site is directly adjacent to a commercial area that is associated with the Providence Blvd. corridor. The eastern section of the property along Gainesville Drive is heavily vegetated that serves as a buffer between the uses on the site and the residential areas located east of Gainesville Drive.*

*On August 16, 2010, the Commission approved by a 5 to 2 vote, Resolution No. 2010-17 granting a conditional use to allow the property located at 1649 Providence Blvd. to be used for a Farmer's Market subject to six (6) conditions included in the Resolution. One of the conditions required that: "this conditional use will be reevaluated by the City Commission six months after approval."*

*Suggestion for possible consideration would be to offer the Farmers Market on a seasonal basis (March - October). Another would be to establish a public/private partnership and have the Farmers Market contracted out.*

After discussion, the Commission voted unanimously to table this item until the Regular City Commission Meeting of March, 7, 2011.

**B. Request for approval of the proposed Substantial Amendment to the Five Year Consolidated Plan and the Action Plan for Program Year 2010/2011 for the third cycle of the Neighborhood Stabilization Program (NSP 3) Management Plan.**

*The Neighborhood Stabilization Program (NSP) was enacted by the Federal Government under the 2008 Housing and Economic Recovery Act. The purpose of NSP is to buy foreclosed/distressed properties, rehabilitate/redevelop them, and sell or lease the homes to qualified individuals. The overall goal is to improve neighborhoods that have vacant/blighted properties, conditions which typically lead to lower property values.*

*In 2008, the City of Deltona was awarded \$6,635,909 as part of the first cycle of NSP funds, better known as NSP 1. The City purchased 53 properties, 51 single family detached homes and two vacant lots, and is in the process of rehabilitating 49 homes with the intent of reselling the homes to qualified buyers. Habitat for Humanity will complete construction/rehabilitation on four of the 53 units. Any 'program income' derived from the sale of the homes is required to be reinvested into the program to buy additional properties.*

*The third NSP cycle, known as NSP 3, was authorized under the Dodd-Frank Wall Street Reform and Consumer Protection Act in July, 2010. Under NSP 3, the City of Deltona was awarded \$1,964,066, and the goals are similar to NSP 1, with adjusted limitations. While the 18-month obligation period is absent, the City is required to focus their activities in a more confined geographical area for the intent of creating a substantial area impact. HUD approved an area with the greatest concentration of available foreclosed units that is located in the southwest portion of the City.*

*To facilitate the NSP 3 fund, the City is required to submit a Substantial Amendment to the Five Year Consolidated Plan and the Action Plan for Program Year 2010/2011 (a.k.a. Management Plan) to HUD for their review and approval. City staff formulated a Management Plan for the NSP 3 grant that is modeled after the Management Plan approved by the City Commission and HUD for NSP*

*The NSP 3 Management Plan is due to HUD by March 1, 2011, and addresses the area of the City targeted for NSP 3 expenditure. The plan includes a map, public comment, purchase rehabilitation, financial activities, vicinity/local hiring mechanisms, and administrative elements. The plan also contains appendices that include a program budget, certifications with applicable housing regulations, a Federal Assistance Application, and public participation initiatives.*

**Motion by Commissioner Herzberg, seconded by Commissioner Carmolingo to approve the proposed Substantial Amendment to the Five Year Consolidated Plan and the Action Plan for Program Year 2010/2011 and to transmit the plan to HUD by the March 1, 2011 deadline.**

**Motion by Commissioner Zischkau, seconded by Commissioner Denizac to deny participation in the Neighborhood Stabilization Program (NSP 3).**

**On the original motion, the Commission voted 4 to 3 (with Commissioners Denizac, Lowry, and Zischkau voting against the motion) to approve the proposed Substantial Amendment to the Five Year Consolidated Plan and the Action Plan for Program Year 2010/2011 and to transmit the plan to HUD by the March 1, 2011 deadline.**

**On the motion to deny, the Commission voted 3 to 4 (with Commissioners Carmolingo, Herzberg, Vice Mayor Treusch, and Mayor Masiarczyk voting against the motion).**

**C. Discussion re: direction on the redistribution of EECBG funds.**

*As the Commission may recall, in the fall of 2009, the City was awarded \$730,200 in EECBG (Energy Efficiency and Conservation Block Grant) funds. Of that total, the City developed three (3) programs for the use of those funds:*

- *\$250,000 - for LEEDS improvements as part of the construction of Fire Station #65, including a solar water heater system and photovoltaic energy system;*
- *\$250,000 - for solar lighting at Parks' and Public Works/Deltona Water facilities; and*
- *\$230,000 - for the solar water heater rebate program (\$400.00 per rebate for the installation of residential solar water heaters).*

*To date we have provided rebates for 79 solar water heaters for an amount of \$31,600.00 plus \$3,160.00 (10%) administration fee allowed by the grant for a total deduct from the \$230,000.00 allocated to the Solar Water Heater Rebated Program of \$34,760.00. Approximately **\$195,240.00** is available to be applied to the actual \$400.00 rebate per solar water heating system. If the program is to be continued funding would have to be deducted.*

*The solar water heater system at Station 65 has a job value of \$5,985.00 and the Photovoltaic Energy System has a job value of \$114,000.00. The total cost is \$119,985. The total deduction for these systems is \$131,983, \$119,985 plus \$11,998 (10%) administrative fee. The EECBG proposal was to allocate \$250,000.00 for the two systems less 10% for administrative cost, \$25,000.00. There is an uncommitted balance of **\$118,017**.*

*The Solar lighting Project for Parks and Recreation and Public Works is consuming \$250,000.00 including 10% administrative cost. There are no available funds from this project.*

*The surplus from the Solar Water Heater Rebate Program and the energy efficient enhancements to Station 65 totals approximately **\$313,257.00**.*

*Some possible programs which could be funded through EECBG are:*

*· LED traffic signals throughout the City. Public Works has provided information on existing traffic signals, school crossing flashers, and pedestrian crossing. The list of devices is approximately 61. Using the projected cost from Public Works, all of the signals the City of Deltona is responsible for could be replaced with LED energy efficient signals, intersections and Fire Stations, and solar LED school crossing flashers for approximately **\$132,500**. LED lights are approximately 90% more efficient than the standard replacement bulb. LED is 13 watts vs. 135 watt incandescent.*

*· The amount of installation of a Photovoltaic System, Solar powered, for City Hall would be based upon how much of the building's usage comes from solar. As of this writing the City is meeting with consultants to establish criteria necessary to request a bid for this activity.*

*· Provide additional lighting to Public Works and Parks facilities, which would provide more lighting fixtures to the lights being installed under the existing program. Public Works/Water can use an additional 24 and Parks is projecting an additional 3, for a total of 27 Solar Powered LED lights. These additional lights would cost approximately **\$81,000.00**.*

*· Programs offered by the Commission.*

*Per EECBG guidelines the monies have to be encumbered by May 17, 2011. This is 18 months after the total grant was awarded to the City of Deltona. The new and modified activities have to be submitted to DOE for their approval. The City can request bids on any of the submitted activities concurrent with the DOE submittals. When approval is received from DOE, the City will be in position to award any contracts as soon as possible to have the monies encumbered prior to May 17, 2011.*

**After discussion the Commission voted unanimously to approve the addition of LED lighting for existing City traffic signals, school crossing flashers, and pedestrian crossings at \$132,500 and the addition of solar lighting for Parks' and Public Works' facilities not included in the original lighting project at \$81,000 and to table the discussion of what to do with the remainder of funds, which is approximately \$99,500 to a workshop meeting.**

- 11. CITY COMMISSION COMMENTS:**
- 12. CITY ATTORNEY COMMENTS:**
- 13. CITY MANAGER COMMENTS:**
- 14. ADJOURNMENT:**

**NOTE:** If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 878-8100.