

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, MARCH 7, 2011
6:30 P.M.**

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

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 21, 2011.

The Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of February 21, 2011 with the additional information that was presented to the Commission at the request of Commissioner Herzberg and a correction on page 13, line 18 by Commissioner Zischkau.
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation – Superstar Students of the Month Certificates – February, 2011.
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 approval of revised Commission Policy/Procedure CC99-005, In-Kind Donations to Deltona-based not-for-profit entities.**

At the January 11th and February 22nd Commission workshop meetings, the Commission discussed changes to Commission Policy/Procedure CC99-005, In-Kind Donations to Deltona-based not-for-profit entities. The proposed revised policy reflects the changes as discussed by the City Commission and including some clarification of old policy language that is no longer applicable. The changes shown in blue ink are the changes that have been made based on the Commission's discussion at the February 22nd Commission workshop meeting.

After discussion, the Commission agreed to send this back for more in depth language and to review it at the next Regular City Commission Meeting.

- *B. Request for waiver of all fees – SE11-004, Deltona Springfest at Dewey Boster Park.**

The City has received a request from David McKnight, Chairman of Deltona Springfest, requesting a waiver of all fees (police, fire, permits, etc.) associated with the 14th Annual Deltona Springfest, scheduled for April 9 and 10, 2011.

As indicated in the Special Events Application, Deltona Springfest anticipates 3,000 people in attendance for their two (2) day event. The costs associated with this event are listed below:

*Police \$3,800.00
Fire \$2,200.00
Public Works \$1,770.00
Parks & Rec \$1,650.00*

Total \$9,420.00

Approved by Consent Agenda – to waive all fees applicable to the 14th Annual Deltona Springfest scheduled for April 9 and 10, 2011 at Dewey Boster Park in accordance with the revised Commission Policy, CC99-005, In-Kind Donations to Deltona-based not-for-profit entities.

***C. Request for approval of Local Agency Agreement and execution of the Resolution No. 2011-03.**

The Public Works Department is working with the Florida Department of Transportation for a sidewalk project that is being funded by grant money. The design portion has been successfully completed and grant money was provided. The next phase of the project is to construct the 5-foot wide sidewalks along the east side of Florida Drive from Greynolds Street to Elkcam Boulevard and along the south side of Greynolds Street from Kimberly Drive to Florida Drive. The project length is approximately .219 miles. The Florida Department of Transportation has allocated grant funds to be used for the construction portion of this project.

Receipt of these grant funds was not budgeted in FY 10/11. Therefore a budget amendment is required to recognize the revenue to be received from this grant.

Approved by Consent Agenda – to approve the LAP Agreement with the Florida Department of Transportation and the execution of the Resolution No. 2011-03 and to amend the budget to recognize the revenue received from this agreement.

D. Request for Approval of Public Safety Center Signage and associated Budget Amendment.

At the Commissioner's direction, City staff has requested quotes for a new monument sign for the "Public Safety Center" on Providence Blvd. (Fire Station 61 and the Sheriff's Office). Quotes were received as follows:

- *Morris Sign Company - \$8,384.00*
- *Don Bell Signs - \$8,736.22 - \$11,978.49 (4 various options presented)*
- *Fast Signs - \$9,542.00*

The lowest bid was Morris Sign Company as indicated above. In order to fund the purchase of the sign in the FYE '11 Budget, an amendment is necessary.

A Budget Amendment of \$8,400.00 is requested to cover the cost of the new monument sign. The source of the funding will be from the General Fund, General Government, 001190-524999, Other Current Charges. The funds will be transferred to 301-630500, Signs. The budget amendments results in no change to the General Fund Budgetary Fund Balance and no change in the Municipal Complex Budgetary Balance.

After discussion, the Commission voted unanimously – to approve a budget amendment to fund the purchase of a new monument sign for the Public Safety Center located on Providence Blvd. as directed by the Commission at the February 1st Commission meeting.

- *E. **Resolution No. 2011-05, Providing for an amendment of the City Commission’s Operating Guidelines and Meetings Rules and Procedures.**

At the March 1st Commission workshop meeting, the Commission discussed making a change to the deadline for submittal of agenda materials to the City Clerk that allows for extenuating circumstances. There is a proposed Resolution and change to the Commission's Operating Guidelines to formalize the Commission's direction from the workshop meeting.

After discussion, the Commission voted unanimously – to adopt Resolution No. 2011-05 with the following change: “Exceptions to this time frame may apply if circumstances warrant, in the discretion of any Commissioner, not withstanding any other provisions in this section to the contrary”.

8. ORDINANCES AND -PUBLIC HEARINGS:

- A. **Public Hearing - Ordinance No. 03-2011, An ordinance prohibiting the operations of internet cafes, at second and final 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 as initially drafted allowed any such operation currently in existence in Deltona to remain in existence unless the operation ceased for more than 90 days. As our code currently provides a 6 month period. The ordinance has been altered to 6 months to provide consistency. 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. An established operation could also be sold and the license transferred to the new owner.

After discussion, the Commission voted unanimously to approve Resolution No. 2011-06 which extends the current moratorium for an additional 90 days beyond the original expiration date of March 20, 2011.

9. OLD 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 5 to 1 (with Commissioner Denizac voting against the motion) to adopt Resolution No. 2011-07 that will extend the Farmers Market for an additional six (6) months under the direction of the Parks and Recreation staff with a change in hours to 9:00 a.m. to 2:00 p.m. and to invite the non-profit organizations.

On the amended motion, the Commission voted unanimously to include an extensive review at the end of the six (6) months.

10. NEW BUSINESS:

A. Request for approval of City's donation for Summer Recreation Programs.

The City has received two (2) requests for contributions to two (2) organizations to run summer recreation programs this summer; one from Deltona Tennis Association for \$7,500 and one from The Boys and Girls Club for \$5,000. The

City began its partnership with outside organizations to run summer recreation services for our young residents in the summer of 2008; at that time the City contributed \$5,000 each to the Deltona Tennis Association and the YMCA as a donation to help subsidize free and reduced summer recreation fees. Subsequent to 2008, the City chose not to run its own summer recreation program due to the cost, and chose instead to partner with other organizations to run such programs. In FY 08/09, 09/10 and 10/11, the City has budgeted \$10,000 in the Parks and Recreation budget to cover the cost of these donations each year.

The Deltona Tennis Association Program is run out of Wes Crile Park/Gymnasium from May 31st through August 19th serving an average of 77 children throughout the 10-week period with hours of operation from 6:30 a.m. to 6:00 p.m. and The Boys and Girls Club program is run out of Harris Saxon Community Center from June 13th - August 5th serving an average of 65/70 children per week with hours of operation from 8:00 a.m. to 6:00 p.m. Both agencies have facility use agreements for use of the City's facilities.

After discussion, the Commission could not agree to approve the City's donation of \$5,000 each to the Deltona Tennis Association and the Boys and Girls Club summer recreation fees, therefore, no action will be taken.

B. Discussion re: proposed City Commission Employee Recognition Program (requested by Commissioner Zischkau).

Commissioner Zischkau has requested through the City Attorney that the proposed Resolution regarding a City Commission Employee Recognition Program, be included on the Commission's agenda for discussion.

There are two current Employee Recognition Programs, Employee of the Quarter and the Nice Job Recognition, that are currently administratively in place.

After discussion, motion by Commissioner Zischkau to adopt the resolution failed for lack of a second.

C. Discussion re: broadcasting City Commission workshop meetings (requested by Commissioner Herzberg)

After discussion, the Commission agreed to have staff research and provide options at a later time.

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.