

## AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING  
MONDAY, APRIL 4, 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 – March 21, 2011.**

The Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of March 21, 2011 as presented.
  - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
  - A. **Presentation – Superstar Students of the Month Certificates – March, 2011.**
  - B. **Proclamation – National Public Safety Telecommunicators Week – April 10 – 16, 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 to piggyback on the City of Lake Wales' bid for Ultra chlor 12.5% Sodium Hypochlorite with the Odyssey Manufacturing Company – Deltona Water.**

*The Deltona Water Department uses Sodium Hypochlorite for its Wastewater Treatment plant to minimize inert material such as Zinc. By using Sodium Hypochlorite, the end product of the Wastewater treatment facility, biosolids (sludge), is able to meet requirements specified under 62-640.300. The quality also results in less product being used to maintain the required chlorine residuals as mandated by 62-600.440, which results in an overall savings vs. using a product of lesser quality and requiring a higher usage. The Odyssey Manufacturing Company supplies bulk deliveries and works with and in coordination with the Dumont Company, who currently has a long term pricing agreement with the City of Deltona. Odyssey provides 24 hour service and is able to deliver bulk shipments on demand within two (2) hours.*

*To purchase these items, and as allowed in City/State policy, Staff is recommending that the City piggyback the City of Lake Wales' bid # 09-182, which was approved and awarded to Odyssey Manufacturing on October 1, 2010. Piggybacking this contract would allow the City of Deltona to take advantage of the pricing established within this agreement.*

**Approved by Consent Agenda – to make award to Odyssey Manufacturing Company at a total cost not to exceed \$90,000.00 this fiscal year and as approved by the Commission for future appropriations in accordance with the City of Lake Wales bid # 09-182.**

- \*B. Request for approval to piggyback on the City of Port St. Lucie's contract for water meters with the Sunstate Meter & Supply, Inc. – Deltona Water.**

*The Deltona Water Department uses the Neptune water meter for its inventory of new and replacement water meters. The Neptune water meter is compatible to the Deltona Water system and meets its standardization and specification requirements. Sunstate Meter and Supply, Inc. is the sole distributor for the*

*Neptune water meter within the State of Florida. Recently, the City of Port St Lucie established a contract with Sunstate Meter and Supply, Inc. to provide Neptune water meters.*

*To purchase these items, and as allowed in City/State policy, staff is recommending that the City piggyback the City of Port St. Lucie contract # 2004003, which was approved and awarded to Sunstate Meter and Supply on February 24, 2010 and extended until March 16, 2013. Piggybacking this contract would allow the City to take advantage of the pricing established within this agreement*

**Approved by Consent Agenda – to make award to Sunstate Meter & Supply, Inc. at a total cost not to exceed \$110,000.00 this fiscal year and as approved by the Commission for future appropriations in accordance with the City of Port St. Lucie Contract # 2004003.**

**\*C. Request for approval of Award of Bid #PW11-03, Trailer Mounted/Sound Attenuated High Head Pumps.**

*The Public Works Division solicited bids for two (2) six inch and one (1) eight inch Trailer Mounted / Sound Attenuated High Head Pumps. By purchasing these pumps the City would eliminate the need to rent this equipment and the delays associated with responding to major flooding within the City. These pumps would give us the ability to stage pumps in problem areas before a major storm event and would help us to protect private properties. Should flooding occur, these pumps would benefit the City greatly with emergency pumping during and after major storm events.*

*The bid was posted on demandstar and went out to 161 suppliers. There were 14 planholders for this bid and two bids were received as follows:*

1. Thompson Pump & Mfg., Inc. \$111,990.00
2. Godwin Pumps of America, Inc. \$169,556.00

**Approved by Consent Agenda – to approve award of Bid #PW 11-03 for the Trailer Mounted / Sound Attenuated High Head Pumps to Thompson Pump and Manufacturing, Inc. at a total cost of \$111,990.00.**

**D. Request for approval of Award of Bid #PW11-06, Water Main Phase 2 Improvements.**

*The Public Works Division solicited bids for the Water Main Phase 2 Improvements project. This project includes water main improvements for Abadan Drive, Wellington Drive, Piedmont Drive and Farley Court. The water mains at these locations are over 30 years old and have a history of multiple water main breaks in the past. Improvements to these areas are needed to*

*minimize the interruption of service and maximize the impact of public health and fire protection. An increase in size of these water mains would improve water flow, distribution, reliability and accommodate the installation of fire hydrants in the surrounding area. As part of this project, approximately 1,460 feet of existing AC water main will be replaced with 6" PVC/DIP water main, 320' of 8" HDPE and 40' of 6" DIP. The project is in the 2010-11 CIP budget and will be completed this budget year.*

*The bid was solicited on DemandStar and went out to 940 Contractors. There were 63 plan holders for this bid and 13 responsive bids were received as follows:*

1. Hazen Construction, Inc. \$256,570.00
2. Andrew Sitework \$281,050.65
3. Eden Site Development \$283,518.75
4. Salser Construction \$294,621.21
5. Hamlet Construction \$313,796.25
6. McMahan Construction \$320,985.00
7. Sitek Corporation \$333,444.00
8. Estep Construction \$334,100.00
9. CM Engineering Services Florida \$346,749.00
10. Cross Environmental Services \$390,539.75
11. TB Landmark Construction \$397,930.50
12. APEC \$403,388.60
13. Masci Corporation \$404,017.00

The low bidder, Hazen Construction, Inc., has the required license for this project which was verified through the Department of Business and Professional Regulation.

**After discussion, the Commission voted unanimously to approve award of Bid #PW11-06 for the Water Main Phase 2 Improvements project to Hazen Construction, Inc. at a total cost of \$256,750.00.**

- \*E. Request for approval of Resolution No. 2011-10, expressing support for SunRail Central Florida's First Passenger Rail Project.**

*The resolution which was received from the Volusia Transportation Planning Organization is submitted for your consideration. The resolution as drafted supports the SunRail project and requests the Governor's support.*

**Approved by Consent Agenda – to approve Resolution No. 2011-10.**

- \*F. Request for approval of Local Agency Agreement for the Acadian Street Sidewalk Project and execution of the Resolution No. 2011-13.**

*The Public Works Department is working with the Florida Department of Transportation for a sidewalk project that is being funded by grant money. Grant money has been allocated for the design of this project with future allocations projected for the construction. This project consists of designing a 1,100 linear foot, 5 foot wide, sidewalk along Acadian Street from Providence Boulevard to Elkcam Boulevard. Design is estimated to be completed by 12/31/2011.*

*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 Resolution No. 2011-13 and to amend the budget to recognize the revenue received from this agreement.**

**G. Request for approval of recommendations for scholarship awards from the William S. Harvey Deltona Scholarship Advisory Board.**

*The William S. Harvey Deltona Scholarship Advisory Board met on March 22, 2011 and selected 17 applicants to receive the 2010/2011 scholarship awards. The selections were based on the following criteria: 1) financial need; 2) academic achievement; 3) school; 4) community and/or leadership activities; 5) special skills and/or talents; and 6) an essay of 500 to 750 words.*

*As you are aware, the FY 10/11 budget included an amount of \$50,000 for scholarship awards based on anticipated revenue from recyclables.*

**After discussion, the Commission voted unanimously to approve the 2010/2011 William S. Harvey Deltona Scholarship recipients as presented by the William S. Harvey Deltona Scholarship Advisory Board.**

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

**A. Public Hearing – Ordinance No. 05-2011, An Ordinance pertaining to Home Occupations for first reading.**

*A request was made for a modification to the City current home occupation requirements. The request was based upon a perceived loophole in the current provisions which made it difficult for code enforcement to determine whether a second home could be used for a home occupation and whether persons appearing to work at the home occupation were employees residing on the premises. The revisions would allow home occupations in the domicile of the person(s) participating in the home occupation.*

*The Planning and Zoning Board recommended approval.*

**After discussion, the Commission voted unanimously to approve Ordinance No.**

**05-2011 on first reading and to schedule second and final reading for April 18, 2011.**

**9. OLD BUSINESS:**

**A. Request approval of Resolution No. 2011-04, Providing for fees for services rendered by the City or for use of City facilities and property.**

*During discussions concerning background checks for facility users it was determined that background checks would not be required by the City in those relationships where the City is simply a landlord to the facility user. In order to properly maintain the landlord tenant relationship, it was determined that the City would establish a fee schedule for the use of facilities which schedule takes into account the purpose of the entity or individual and whether the entity or individual pays City taxes.*

*The resolution sets forth a fee schedule which is initially divided by type of facility to be rented, building or grounds. The schedule then differentiates between various categories of potential renters.*

**After discussion, the Commission voted unanimously on the amended motion to approve Resolution No 2011-04 with an amendment to Section 5, with a 50% increase on all listed fees for non-residents, non-profits.**

**After discussion, the Commission voted unanimously on the main motion to approve Resolution No 2011-04 with the addition of a Section 5, that this resolution shall be without prejudice to existing easements or contractual rights of sports organizations to use specific fields and buildings.**

**B. Discussion re: Resolution No. 2011-02, Requiring Background Screening for certain facility users.**

*The Commission directed the creation of a draft background screening policy to allow for a discussion of background screening and the circumstances under which facilities will not be made available to users based upon those background checks.*

*A draft resolution was submitted for Commission comments. Based upon those comments, a revised resolution was submitted for adoption. After discussion, the Commission tabled the revised resolution until the workshop meeting of February 22, 2010. One revision was authorized during the discussion. The newly revised resolution continues to borrow heavily from the State's background check system, but includes revisions based upon Commission comments. The resolution excludes those users who were convicted of the offense in question or convicted of a lesser offense if charged initially with an excludable offense. It no longer excludes persons based upon an arrest only. Arrests still awaiting disposition exclude users. A waiver of a conviction is allowable after five (5) years, but the eligibility*

*has been limited to persons convicted of vehicular homicide, arson, burglary, theft and robbery. The revised resolution also allows the City to designate the entity responsible for performing the background check.*

**After discussion, the Commission voted unanimously to adopt Resolution No. 2011-02 as presented.**

**10. NEW BUSINESS:**

**A. Consideration of appointment or re-appointment of four (4) members to the City's Planning and Zoning Board.**

*The appointments of Adam Walosik, Noble Olasimbo, and Heather Mulder expired on March 15, 2011 and all wish to be re-appointed to the City's Planning and Zoning Board. As of February 7, 2011, Katrina Ekman resigned from the Board.*

*The City has run a press release and posted the openings on the City's web page, D-TV, City bulletin board and placed two (2) ads in the Orlando Sentinel. To date, the City has received applications from the following interested individuals: David McKnight, Frank Whittock, and Edward Nuber.*

**After discussion, the Commission confirmed the appointments of Adam Walosik (Commissioner Lowry's appointment), Noble Olasimbo (Vice Mayor Treusch's appointment), Heather Mulder (Commissioner Carmolingo's appointment), and David McKnight (Commissioner Herzberg's appointment) to the Planning and Zoning Board for a terms to expire on March 15, 2014.**

**B. Request for Approval of Deltona Retail Holdings, LLC/Volusia County School Board and City of Deltona Agreement Regarding Howland Boulevard Access and New Road Construction.**

*Deltona Retail Holdings, LLC, the parent company for the Deltona Village project, is requesting to enter into an agreement (Agreement) with the School Board of Volusia County and the City of Deltona for the realignment of an existing Deltona High School student parking lot. The location is south of the traffic signal at Howland Boulevard and Forest Edge Drive intersection and proposed a relocation of the access point to the south to create more vehicular stacking to make the intersection safer and more functional. As it exists today, cars stack within the Howland Boulevard right-of-way and this is in conflict with the design and function of that road as an arterial facility and often results in crashes/conflicts with pedestrians.*

*The proposed realigned access and roadway also contemplates construction by Deltona Retail Holdings of that portion of the road to the new school entrance. Since the City would ultimately take possession of this road for maintenance in*

*the event the road is a public facility, and, if there were ever an extension of the road, the City is included in the Agreement.*

**After discussion, the Commission voted unanimously to approve the Agreement Between Deltona Retail Holdings, LLC, School Board of Volusia County, and City of Deltona Regarding Howland Boulevard Access and New Road Construction with the following Conditions of Approval:**

1. **The associated Preliminary Plat and related construction drawings shall conform to the City Commission approved ODP/MDP that requires dedication of an 80-ft. right-of-way the entire length of the Deltona Village eastern property boundary, which includes that segment of access road contemplated in this Agreement.**
2. **The approved 80-ft. right-of-way for Rhode Island Road and relocated access to Deltona High School must be completely outside of the Progress Energy Easement referenced in OR Book 6242, Page 674, which disallows an encroachment into the easement.**
3. **The City rural roadway cross-section with the Agreement must be constructed to be convertible to an urban roadway cross section when the 80-ft. wide road extension is constructed to the south beyond Deltona High School.**
4. **The roadway construction shall conform to the City's specifications and standards and stormwater management facilities provided that culminate in approval of all permits from regulatory agencies (i.e. St. Johns River Water Management District)."**

**C. Discussion re: Ethics Ordinance.**

*The Commission requested that I review a proposed ethics ordinance which was submitted to you and provide comment thereon. You also requested that I draft a version of an ethics ordinance for your review. A memo provides comments on the submitted ordinance and my rough take on an ethics ordinance based upon the submitted ordinance.*

**After discussion, the Commission voted unanimously to have the City Attorney complete an ethics ordinance for first reading to include the substantial draft in this Agenda Item 10-C, as shown on Pages 463-477.**

**D. Discussion by City Commission concerning City Attorney annual evaluation and employment agreement (requested by Mayor Masiarczyk).**

*Mayor Masiarczyk has requested that the Commission discuss the City Attorney's annual evaluation and employment agreement.*

**After discussion, the Commission voted 4 to 3 (Commissioner Denizac, Commissioner Lowry and Commissioner Zischkau voted against the motion)**

**to approve the allocation of \$5,000 to the Boys & Girls Club and the Deltona Tennis Association.**

**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.