

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, MAY 2, 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:**

**Special City Commission Meeting – April 8, 2011.
Regular City Commission Meeting – April 18, 2011.**

The Commission voted unanimously to adopt the minutes of the Special City Commission Meeting of April 8, 2011 and the Regular City Commission Meeting of April 18, 2011 with changes requested by Commissioners Carmolingo and Zischkau.
 - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Presentation – Superstar Students of the Month Certificates – April, 2011.**
 - B. **Presentation – Quarterly Board Reports of City Advisory Boards/Committee.**

C. Presentation – Team Volusia Economic Development Corporation – Helen Cauthen, President and CEO.

D. Proclamation for National Association of Letter Carriers Food Drive Day, May 14, 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 continue Wachovia Bank for banking services piggybacking off the City of Hollywood's Agreement.**

The City currently uses Wachovia Bank, N.A. for all City banking. In late 2008, Wachovia Bank, N.A. merged with Wells Fargo Bank, N.A. to become the nation's fourth largest bank. As a result, the City has been going through the transition process for the last several months with a final conversion scheduled sometime in June. It is anticipated that this transition will have no impact on the way the City does business.

The current agreement with Wachovia for banking services expires on April 30, 2011 at which time the City can extend its current agreement for up to 45 days. Banking services do not include merchant services (credit card processing) which has recently been put out for RFP. While it is an option for the City to competitively bid banking services and the end result could most likely result in reduced monthly banking services fees, it is important to be aware of the potential cost of changing banks. The City uses Munis for all financial transactions including Accounts Payable and Payroll. If the City were to award banking services to a bank for which Munis does not have an established file format, the cost to program Accounts Payable so that checks can be printed through Munis is quoted to be \$3,000. The cost to program payroll checks so that checks can be printed through Munis is quoted to be \$400. If Munis has the file format for the new bank, this cost would be significantly reduced if not eliminated.

Changing banks would require Deltona Water to have their e-box program reprogrammed with new banking information. The e-box program is used by Deltona Water to process utility payments. The estimated cost to re-program e-box is \$4,000-5,000. Deltona Water will also incur incidental costs for new

deposit slips. These costs would be incurred regardless of the bank chosen unless the City continues to utilize Wachovia. There could also potentially be increased daily courier costs if the bank selected was further in distance than the Wachovia location.

Additionally, changing banks will consume a significant amount of staff time. While staff has not previously done a transition of this sort, the ITSD is anticipating in excess of 20 hours staff time to transition to a different bank in order to ensure continued smooth operations of Deltona Water, A/P processing and payroll processing. The Finance Department also estimates in excess of 20 hours staff time to transition to a different bank in order to smoothly transition the A/P and payroll functions. Additionally, Finance staff must notify all agencies and entities who utilize ACH to submit payments to the City.

The City currently spends an average of \$2,000 per month on banking services fees. The current Wachovia agreement allows the City to net the difference of interest earned. Wachovia has historically paid a slightly higher interest rate on liquid investments than the City's other liquid investment options.

Staff has been able to locate a piggy back agreement with the City of Hollywood. While some of the City of Hollywood's pricing is slightly higher than Deltona's current pricing with Wachovia, some of the City of Hollywood's pricing is lower than Deltona's current pricing. In analyzing these differences, it is likely that by piggy backing with the City of Hollywood the City may experience an increase in monthly banking services fees of up to \$100. However, it appears that even with a four year contract with Wachovia with the anticipated monthly increase, the cost of physically changing banks would offset any savings gained by going out to bid. Therefore, staff is recommending that the City piggy back off the City of Hollywood for banking services.

[Approved by Consent Agenda – to approve piggybacking the City of Hollywood Agreement and continuing to use Wachovia Bank for banking services.](#)

B. Request for approval of Award of Bid #PW 11-04, Courtland WTP Electrical Control Replacement Upgrades.

The Public Works Division solicited bids for the Courtland Water Treatment Plant Electrical Control Replacement Upgrades project. This project is to replace the old electrical service and controls at this plant. It is becoming increasingly difficult to secure replacement parts for the current system. Failure of the associated equipment would render the facility out of service. This would not only affect the water pressure in the surrounding area (possibly contaminating the water supply) but would also impact water availability for fire protection for the surrounding community. By replacing the electrical services, it would extend the service life of this facility and maintain reliability. Additionally, the replacement items would incorporate VFD motor drives which provide significant energy costs

savings. 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 630 Contractors. There were 41 planholders for this bid and 4 responsive bids were received as follows:

- 1. Sawcross Construction, Inc. \$215,000.00*
- 2. McMahan Construction, Inc. \$236,500.00*
- 3. Chinchor Electric, Inc. \$261,368.50*
- 4. Air Ideal, Inc. \$288,062.00*

The low bidder, Sawcross 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 to unanimously approve award of Bid #PW 11-04 for the Courtland Water Treatment Plant Electrical Control Replacement Upgrades project to Sawcross Construction, Inc. at a total cost of \$215,000.00.

C. Request for approval of Award of Bid. No. 11006, Install Steel Building at Dewey Boster Soccer Complex.

Staff accepted bids from Licensed General Contractors to provide and install a Steel Building similar to the existing Red Iron Steel building at Dewey Boster Soccer Complex. The existing building (was constructed as part of the initial Park buildout in March 2003) serves as a maintenance/storage building and houses supplies and equipment. Additionally, Parks and Recreation maintenance staff is currently working and utilizing a trailer at the Parks and Recreation Depot. The trailer has been deemed unsafe to use as offices and should be condemned as an unfit structure. The construction of a similar Steel Building would provide safe quarters for City parks maintenance employees; in addition to providing housing of equipment/ storage of turf fertilizers and supplies.

The work will include providing all of the permitting, steel building, site preparation, installing a concrete slab, and all labor and materials to complete the project.

Eighteen bids were received. The low bid from Roger A. Nelson, Inc. came in at \$40,960 but they did not include any of the addendum that were issued acknowledging receipt of same and their bid was therefore rejected as non-responsive. The second low bidder, Estep Construction, Inc. came in at \$48,888 and they were in compliance with all requirements of the bid. They have done work for the City in the past and they are highly recommended.

Recommendation is being made to award Bid. No. 11006 to Estep Construction, Inc. at a total cost of \$48,888.

After discussion, the Commission voted unanimously to approve award of Bid No. 11006 to Estep Construction, Inc. at a total cost of \$48,888.

D. Request for approval of Resolution No. 2011-14, declaring certain property of the City as surplus and authorizing the sale or disposal of such property.

Over time certain items of the City become obsolete or lose their usefulness and are either replaced, upgraded or are no longer functional and need to be declared surplus or disposed of by the most appropriate means available.

During the past several years, the City has dedicated limited funding to invest in updating computers and associated hardware and as such, computer items have not been declared surplus in several years. During the current FY, funding has been dedicated to address the City's computer needs and the IT Department has completed a full assessment and has been able to thoroughly identify surplus equipment. The resolution declares certain computers and hardware as surplus as they have long outlived their usefulness as well as a few other miscellaneous items. These items have outlived their useful lives and in many cases are obsolete.

In accordance with Generally Accepted Governmental Accounting Principles (GAAP), all items in the General Fund have been previously expensed and therefore there is no budgetary impact to the General Fund. The impact to Deltona Water will be a write off of \$823.41 for an item not yet fully depreciated.

The City has been using an online auction called GovDeals at www.govdeals.com and has seen an increase in the amount received for surplus items when compared to doing a live auction as has been past practice. This has been determined to be the most profitable way of disposal as GovDeals has a huge customer base of over 150,000. The GovDeals auction is open to the public. The cost to sell on GovDeals will be netted against the proceeds for the items sold.

After discussion, the Commission voted to unanimously adopt Resolution No. 2011-14, declaring certain property of the City as surplus and authorizing the sale or disposal of such property.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 05-2011, An ordinance pertaining to Home Occupations for second and final reading.

A request was made for a modification to the City's 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.

During first reading, an enforcement mechanism based upon traffic was discussed. This traffic count notion is currently found within the code and is available for use by code enforcement.

If the ordinance is adopted, the only home occupation type item pending for code enforcement will be the repair of automobiles for profit. In order to make enforcement of the repair code easier, a change to the vehicle parking code has been suggested and will be brought forth in a separate ordinance.

After discussion, the Commission voted 6 to 1 (with Commissioner Herzberg voting against the motion) to approve Ordinance No. 05-2011 on second and final reading.

9. OLD BUSINESS:

A. Resolution No. 2011-15, Request to dispose of real property located at 591 Firwood Drive within the City of Deltona.

The City of Deltona acquired real property in the form of a single family dwelling unit located at 591 North Firwood Drive; generally located at the southwest corner of North Normandy Boulevard and North Firwood Drive. The site was acquired for the roadway widening project for North Normandy Boulevard. The North Normandy roadway widening project has been completed and the City staff considers the vacant single family unit to be surplus real estate that is better served by being occupied and in fee simple ownership of a private entity. This also reduces the potential for maintenance costs for the City.

In 2007, the appraisal conducted on this property identified an appraised value of \$200,000. The City paid \$200,000 for the property plus closing costs in the amount of \$2,832.42, at the closing conducted on April 27, 2007. During the discussion of this item at the April 16, 2007 Commission meeting, Roland Blossom, City Attorney, stated that "the appraisal is for \$200,000 and this lot has a very nice house on it that the City would be able to resell after taking the portion necessary for the right-of-way needed".

On March 21, 2011, the Commission approved Resolution No. 2011-08 which allowed City staff to begin the sale process by seeking an appraisal. The appraisal was delivered to the City and shows a current value of \$85,000. Staff is now seeking approval to sell the property.

After discussion, the Commission voted unanimously to adopt Resolution No. 2011-15.

10. NEW BUSINESS:

A. Request for a waiver of all fees- SE11-006 Latin Festival 2011.

The City has received a request from the Volusia County Hispanic Association (VCHA), President, Carlos Rivera, to waive all fees (police, fire, Public Works, field use and permits) associated with the annual Latin Festival that is scheduled to occur on Sunday, June 26, 2011 from 11:00 AM to 7:00 PM at the Dewey Boster Sports Complex.

Additionally, VCHA is also requesting that the concession stand at Dewey Boster Soccer Complex remain closed for this event and use of the message boards for a 10 day period leading up to the event date. The fees associated with this event are listed below:

Volusia County Sheriff's Office \$ 4,800.00

Deltona Fire Department \$ 1,500.00

Deltona Public Works \$ 2,282.50

Deltona Parks & Recreation \$ 1,110.00

Total \$9,692.50

After discussion, the Commission voted unanimously to approve the Volusia County Hispanic Association's request to waive all fees associated with the Latin Festival on Sunday, June 26.

B. Discussion re: Selection process for full-time City Attorney.

Gary Cooney, City Attorney, submitted his letter of resignation to the Commission on April 18th, with an effective date of June 19, 2011.

The City Charter provides for the following in Section 7, Charter Officers:

"(d) Filling of vacancies. The City Commission shall begin the process to fill a vacancy in the Charter Office of the City Manager or City attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Commission during a vacancy in office."

Section 7, Charter Officers, Subsection 3, of the City Charter also provides the following language relative to the City Attorney position:

(3) CITY ATTORNEY; QUALIFICATIONS; POWERS AND DUTIES. The City Attorney shall be the chief legal officer of the City, and shall serve as chief legal advisor to the City Commission, the City Manager, and all City departments, offices, City advisory boards, and agencies.

(a) Qualifications. The City Attorney shall be a member of The Florida Bar in good standing. Within 6 months of the appointment of an in-house attorney, he or she shall establish and maintain residency within the corporate limits of the City.

(b) Powers and duties. The City Attorney shall appoint, suspend or remove any assistant city attorney or legal counsel and shall have full managerial authority of any employee who works directly under the attorney. The City Attorney or his or her designee shall attend all City Commission meetings unless excused by the City Commission, and shall perform such professional duties as may be required by law or by the Commission in furtherance of the law. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

In September 2009, the City Commission directed staff to advertise the City Attorney position and to follow a process similar to the last City Attorney selection with ads placed in the following publications/websites: ABA Journal, Florida Association of Counties, Florida League of Cities' Datagram, ICMA Website, and the City's WebPage. The 2009 ads provided that the position was open until filled.

The 2009 recruitment included staff developing a matrix listing the qualifications of each of the applicants, but all applications were provided to the Commission whereupon during a Commission workshop meeting a short-list of seven (7) applicants were selected for interview. The interview process included a full Saturday process including one-on-one interviews with each applicant and each member of the Commission, as well as applicant interviews before the full Commission.

The Commission should also discuss the possibility of hiring an Acting City Attorney on a short-term basis since it's quite possible that the full-time position will not be filled prior to June 19th date.

For now, staff is seeking direction from the Commission on the following items:

- Any changes or different direction regarding resources to advertise the open position;*
- Changes to the ad text;*
- Position to be open until filled or set a deadline date for receipt of applications;*
- Process to utilize to select an Acting City Attorney.*

Once the applications are received, the Commission will need to determine:

- Date for a Commission workshop to select the applicants to be invited to interview;*
- Available dates for conducting the interviews;*
- One-on-one interviews and before full Commission or only before the full Commission;*
- Allowable travel expenses to be authorized for those applicants traveling from outside the County.*

After discussion, the Commission voted

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.