

## **AFTER ACTION AGENDA**

**REGULAR CITY COMMISSION MEETING  
MONDAY, JULY 16, 2012  
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. **INVOCATION AND PLEDGE TO THE FLAG:**
  - A. **Invocation Presented by Mayor Masiarczyk.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Minutes:**

**Regular City Commission Meeting – July 2, 2012.**

**The Commission voted unanimously to approve the minutes of the July 2, 2012 Regular City Commission Meeting as presented.**
  - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
  - A. **Proclamation – Arthur Locke Day – July 16, 2012.**
  - B. **Presentation – Quarterly Board Reports of City Advisory Boards/Committees.**

**6. PUBLIC FORUM – Citizen comments for any items.  
(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.

**7. CONSENT AGENDA:**

- A. Request for approval of Award of Bid #12011 for removal and replacement of the tennis and basketball courts at Wes Crile Park and a budget amendment/transfer to fund it.**

*Staff has requested bids for removal and replacement of the tennis and basketball courts at Wes Crile Park. There is a defect in the sub-surface layer, underneath the tennis and basketball courts, which has caused a surface cracking. Staff has attempted several times to repair the surface cracks, but the courts need to be replaced. This repair is necessary per the City's insurance provider.*

*Two bids were received as follows:*

*A.G. Pifer Construction - \$169,724  
Ace Surfaces: \$151,372*

*Staff has reviewed the bids and is recommending award of the bid to Ace Surfaces, Altamonte Springs, Florida.*

**After discussion, the Commission voted unanimously to approve Award of Bid #12011 for removal and replacement of the tennis and basketball courts at Wes Crile Park to Ace Surfaces at a total cost of \$151,372 and to approve a budget amendment/transfer in the amount of \$151,400.**

- \* B. Request for approval of Award of Bid #PW 12-12, Elkcam Lift Station Replacement.**

*In its current state, the Elkcam lift station would not be able to handle the flows for the future Eastern Wastewater Treatment facility. The upgrade of the current station will be necessary to handle the flows to the Eastern Wastewater Treatment facility, while ensuring that the station can adequately function in the interim. This renovation to the existing lift station will continue to pump to the Fisher Wastewater plant until the Eastern Wastewater Treatment facility comes on line. At present, the existing lift station has no emergency generator and the wet well is in poor condition.*

*The construction within this project includes the relocation of two existing submersible wastewater pumps to a newly constructed wet well, including all new pump accessories, supports, rails, new piping, new electrical instrumentation, an emergency power generator, site improvements, and bypass pumping related to demolition and abandonment of the existing on-site lift station and construction of a new lift station. Construction of the new lift station will improve the operations and emergency capabilities.*

*The Public Works Division solicited bids for the Elkcam Lift Station Replacement project. The bid was solicited on Demandstar and went out to 979 Contractors and Suppliers.*

*There were 51 planholders for this bid and 4 responsive bids were received as follows:*

- 1. Hazen Construction \$549,000.00*
- 2. TLC Diversified \$782,000.00*
- 3. Masci Corporation \$769,953.00*
- 4. Prime Construction Group \$938,500.00*

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

**Approved by Consent Agenda - to approve award of Bid #PW12-12 for the Elkcam Lift Station Replacement project to Hazen Construction, LLC at a total cost of \$549,000.00.**

**C. Request for approval of an Interlocal Agreement with the cities of DeLand, Deltona and Orange to provide reciprocal fire, rescue, emergency medical aid and emergency management assistance.**

*The Cities of DeLand, Deltona and Orange City desire to enter into an Interlocal Agreement to provide reciprocal fire, rescue, emergency medical aid and emergency management assistance on an automatic aid response basis utilizing the appropriate, closest-unit equipment and personnel to provide services to their citizens and visitors.*

*This agreement permits the three municipalities and the City of DeBary through contract services for fire protection with Orange City to respond to incidents outside of each party's jurisdiction without a specific request or when all resources have been expended.*

*Currently the City has an Automatic Aid and Closest-unit Response Agreement with Orange City which does not include the boundaries of the City of DeBary and has no agreement with the City of DeLand. This agreement will solidify the working relationship between these municipalities and provide seamless services*

*for fire, rescue, emergency medical and emergency management. Services for fire, rescue, emergency medical and emergency management are routinely provided back and forth between municipalities to provide seamless services to the citizens And visitors of these cities. Although a countywide Mutual Aid Agreement is in force, specifics of that agreement dictate that the requesting agency must exhaust all of its assets before requesting assistance from outside agencies.*

*This Automatic Aid / Closest-unit Response Agreement permits the provision of these services between the identified areas in Attachment "A" without each agency depleting its resources and allows for true closest-unit response enhancing response by providing the closest, most appropriate unit to respond to the request for assistance.*

**After discussion, the Commission voted unanimously - to table this item and bring it back to the Commission as soon as possible.**

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

### **A. Public Hearing - Ordinance No. 15-2012, Amending and revising Chapter 50, Solid Waste, for second and final reading.**

*Staff has determined that there is a need to revise procedures related to solid waste due to terms and conditions in the new Solid Waste Collection Agreement as approved on December 13, 2011. The size of the containers that will be provided by the waste contractor has increased resulting in a change.*

*Additionally, due to citizen complaints staff is recommending a change on placement and storage of the cans.*

*The proposed ordinance is provided in a strike-out, underscore format and is intended to formally amend and revise sections of Chapter 50.*

**After discussion, the Commission voted unanimously to table this item until the next Regular Scheduled Commission Meeting.**

### **B. Ordinance No. 16-2012, Adding Section 2-115, "Accrual of lien after foreclosure," to Chapter 2 "Administration," Article II, "Code Enforcement," Division 2, "Code Enforcement Board and Special Master Procedure," Subdivision III, "Enforcement Procedure," of the Code of Ordinances at first reading.**

*The proposed Ordinance addresses an issue that was raised at a recent meeting regarding a code enforcement lien continuing to accrue after a foreclosure sale and the violator no longer has possession so he cannot remedy the violation.*

**After discussion, the Commission voted unanimously to approve Ordinance No. 16-2012 at first reading and to schedule second and final reading for August 6, 2012.**

**C. Public Hearing - Deltona Village BPUD Final Plat (FP12-001) and Right-of-Way Quit Claim Deed.**

*The Deltona Village Business Planned Unit Development (BPUD) was rezoned to BPUD in 2010. The subject site includes ±130.47 acres of land that is located within the Deltona Activity Center. The Final Plat creates seven (7) legal lots of record that include three (3) phases. Phase I includes the existing EPIC movie theater, three (3) outparcels, and a stand-alone retention area. Phase II includes Lot 6 for a RaceTrac convenience store and a standalone retention area. Phase III are the remaining lands.*

*A Preliminary Plat for the subject site was approved and subsequently signed by the Development Review Committee (DRC) on May 30, 2012, which allowed for the Final Plat to be submitted. The Preliminary Plat Development Order was issued to the applicant, Deltona Retail Holdings, on June 4, 2012, and recorded as O.R. Book 6718, Pages 276-283 of the Volusia County Clerk of the Courts. In addition to creating the seven (7) legal lots of record, the Final Plat corrects an action taken by the applicant in October of 2011. At that time, the applicant filed a Quit Claim Deed with the Volusia County Clerk of the Courts conveying a rectangular tract of land to the City of Deltona to be used for the right of way for the southern extension of Forest Edge Drive ("Old Alignment"). Since that time, the Old Alignment has been redesigned into the curved configuration that has now been constructed ("New Alignment"). In order to correct ownership in the City of the New Alignment rather than the Old Alignment, the City of Deltona is deeding back the Old Alignment to Deltona Retail 173 Item 8C Holdings, and Deltona Retail Holdings is dedicating the New Alignment to the City of Deltona as a part of the Plat.*

*Finally, the DRC met on July 3, 2012 approved the Final Plat, subject to the following conditions:*

- 1. Typographical errors within the Certificate of Title and Final Plat are corrected;*
- 2. A revised Certificate of Title is provided to the City;*
- 3. The Right-of-Way Quit Claim Deed is approved by the City Commission prior to approval of the Final Plat; and*
- 4. A bond (i.e. developer's guarantee) is posted for Phase II that meets the requirements of Section 96-76 of the City's Code of Ordinances.*

**After discussion, the Commission voted unanimously to approve the Right-of-Way Quit Claim Deed for those lands reflecting the Old Alignment of Forest Edge Drive, and upon approval of that Right-of-Way Quit Claim**

**Deed, recommends approval of Final Plat FP12-001, with satisfaction of the DRC conditions.**

**9. OLD BUSINESS:**

**A. Discussion re: Facility Naming Guidelines.**

*As you are aware, the Commission had a discussion at the June 11<sup>th</sup> Commission workshop regarding the draft "Policy and Procedure for Naming/Renaming City of Deltona Parks, Facilities, and/or Buildings" which had been proposed in 2011. Subsequent to that meeting, on June 19<sup>th</sup> the City Manager sent out a revised policy entitled "Naming Guidelines" which incorporated the changes as discussed at the June 11<sup>th</sup> Commission meeting.*

*No additional suggested changes have been received by the City Manager's Office; therefore, the proposed "Naming Guidelines" are presented to the Commission for discussion and/or approval.*

*Once the Naming Guidelines are approved the Commission may want to reconsider selecting a name for our newest passive park located on the Ledford Farm property on Doyle Road near Lush Lane. This area was used to construct a wet detention stormwater treatment system as a requirement of the St. Johns River Water Management District. The purpose was to provide relief of flooding identified as a result of the 2003 flooding and 2004 hurricanes. A stormwater grant was approved and funded by the Florida Department of Environmental Protection which allowed for the City of Deltona to build the wet detention treatment system on roughly 25 of the 60-acre area.*

*Utilizing the grant money, the Public Works Department was able to bid and construct a pump station, force main, treatment pond system, parking area, wetlands crossing boardwalk and mulched trails. In doing so, the area will be open to the public to serve as an educational and recreational park. Displays will be throughout the park to educate the public about wetlands/uplands ecosystems, stormwater pollution and treatment.*

*A 5' wide mulched trail around the wetland and the stormwater wet detention system will allow the public to walk through the park and experience firsthand the natural ecosystem and the stormwater system.*

**After discussion, the Commission voted unanimously to approve the Naming Guidelines as presented with no changes.**

**10. NEW BUSINESS:**

**A. Request for consideration of request from Gloria Beaux for reduction of fine from \$5,000.00 assessed pursuant to Special Magistrate Case DEL-07-132.**

*An order Imposing Fine/Lien was entered on November 28, 2007, by the City of Deltona Special Magistrate, ordering Gloria Beaux to pay to the City of Deltona a fine in the amount of one hundred dollars (\$100.00) per day beginning November 28, 2007, for each and every day the violations exist and continues to exist or until a maximum amount of \$5,000.00 is reached. The violation occurred when the respondent failed to repair holes, breaks, loose and rotting materials and properly surface the walls to prevent deterioration to the property located at 1113 Algoma Street.*

*The respondent failed to come into compliance for 54 days. The total accumulated amount due is \$5,000.00. On February 27, 2008 the respondent's representative Mitchell Green appeared before the Special Magistrate to request a recommendation to reduce the fine.*

*On May 14, 2012 Gloria Beaux paid the \$5,000.00 lien in full, due to the lien preventing the sale of one of her other properties. Ms. Beaux is requesting some if not all of her money to be refunded.*

**After discussion, the Commission voted 4 to 3 (Commissioner Denizac, Commissioner Herzberg, and Mayor Masiarczyk voting against the motion) to send this item back to the Special Magistrate for his recommendation.**

- 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.