

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING
MONDAY, NOVEMBER 19, 2012
6:30 P.M.

DELTONA COMMISSION CHAMBERS
2345 PROVIDENCE BLVD.
DELTONA, FLORIDA

AGENDA

1. CALL TO ORDER
2. ROLL CALL - CITY CLERK
3. INVOCATION AND PLEDGE TO THE FLAG:
 - A. Invocation Presented by Commissioner Denizac – MaryAnn Royal, Volunteer Chaplain with Florida Hospital.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes – Regular City Commission Meeting of November 5, 2012 and Special City Commission Meeting of October 24, 2012 and November 12, 2012.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of November 5, 2012 and Special City Commission Meeting of October 24, 2012 and November 12, 2012 as presented.
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
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. 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 the renewal of the Bright House Wide Area Network and Internet contract for a period of 36 months and a budgeted annual cost of \$135,264 to support and provide network connectivity to 16 City locations.**

The City provides necessary network infrastructure to 16 City locations that gives them access to City resources, internet connectivity, and allows City staff a presence at those sites for security and infrastructure support. We are renewing the contract for our network services to those sites with our original vendor of choice Bright House. They are the only vendor capable of providing “Metro Ethernet” circuits and necessary redundancy for the City of Deltona.

Highlights:

- 1. Drops our monthly rate from \$13,639.00 to \$11,353.00 a reduction of 17% or \$2,286.00 per month.*
- 2. Deal is for 3 years (36 months) and shows a savings of 17% per year over the previous rates providing for a total savings of \$82,296.00 over the life of the new contract.*
- 3. The biggest advantage of this new contract is we have reduced the overall cost of operations while effectively doubling our overall network capacity and increasing Deltona Waters’ data backbone from 10MB to 100MB.*
- 4. Combine this new contract with the new PRI contract recently put in effect and the City is effectively saving over 80K per year in communications costs.*
- 5. Changing PRI providers saved approximately 6K per a month. Add in the \$2,286 dollar network savings and we are saving over \$8,286 per month or \$99,432 a year.*

Approved by Consent Agenda – to approve renewing with Bright House Business Solutions Group for continuing services to all listed City Facilities for the current fiscal year at cost of \$135,268 and continuing for two additional years upon appropriation of funds for each additional fiscal year.

- * **B. Request for Approval of East Central Florida Sustainable Communities Consortium Memorandum of Understanding (MOU).**

The City of Deltona is within the region assigned to the East Central Florida Regional Planning Council (ECFRPC). The ECFRPC was awarded the

Sustainable Communities Regional Planning Grant in 2011, as part of the U.S. Department of Housing and Urban Development (HUD), the Department of Transportation (DOT), and the Environmental Protection Agency's (EPA) Sustainable Communities Regional Planning Grant Program that would support a regional collaborative approach amongst partners to create and implement Regional Plans for Sustainable Development.

As part of the grant, 25 public and private organizations within Central Florida are projected to join the 'Consortium'. The City of Deltona would be one of the public organizations to participate in the Consortium as a member to attend partnership meetings and to stay informed with the Consortium's actions. This is an important regional group that includes those members with proposed SunRail stations that will receive funding assistance for their stations, while members without proposed station locations will have no financial obligations. While the City will not be receiving money towards a station, it will also not be obligated to pay into the Consortium.

The membership into the Consortium will strengthen the City's presence as an active regional planning contributor within Central Florida, as well as to strengthen our ability to obtain other grant sources through this partnership without any financial obligation to the City. Because, the grant originates across three major departments within the federal government, HUD, the DOT, and the EPA, in addition to our receipt of HUD grants, we will have the potential for access to greater resources as they become available by being a part of the Consortium. Further, we will be included in regional planning to assist facilitating our residents to the DeBary SunRail station.

Approved by Consent Agenda – to approve the East Central Florida Sustainable Communities Consortium Memorandum of Understanding allowing the City of Deltona to become a Consortium participant and allowing the City Manager to sign the Memorandum of Understanding with the understanding that there is no financial commitment by the City.

C. Request for consideration and approval of Creative Outdoor Advertising of America (COA) Agreement.

On September 10, 2012, Creative Outdoor Advertising (COA) made a presentation to the City Commission at a workshop and described their StreetScaping program which involves the installation of street amenities, including waste cans and recycling containers with associated advertising. The City will receive 100% of the recycling income and 15% of the gross advertising revenues relating to the facilities. City staff was directed at the workshop to negotiate an agreement with COA and this is the resulting agreement.

After discussion, the Commission voted 4 to 3 (Commissioner Herzberg, Commissioner Nabicht and Commissioner Schleicher voting against the

motion) to table the agreement between Creative Outdoor Advertising of America (COA) and the City of Deltona to the Regular City Commission Meeting of December 10, 2012.

D. Request for approval to Purchase a Modular Building through NJPA (National Joint Powers Alliance) Bid #121709.

There is \$70,000 budgeted for the purchase of a modular building to be utilized as a sign shop. The current sign shop trailer was purchased in 2002 but was manufactured in 1989 making it 23 years old. It was originally purchased to act as an office for the Traffic Division employees but in 2009 the City was able to purchase equipment to allow us to operate our own sign shop. Not only is the current sign shop in very poor shape with leaks, mold and separating walls, it is also too small to properly house the equipment and supplies. Replacing the trailer with a building would allow the City to properly protect the expensive sign shop equipment as well as provide adequate space for the shop to operate.

The City is a member of the National Joint Powers Alliance. NJPA is a public agency that offers a multitude of contracted products, equipment and service opportunities to government and other non-profit entities. NJPA contracted purchasing solutions are competitively bid nationally and awarded on their member's behalf. Satellite Shelters was awarded Bid #121709 for Modular Space Solutions with Related Equipment and Supplies and Accessories.

Public Works has reviewed the contract documents and pricing and has selected the 24' x 56' modular building. The total cost to have the building delivered, permitted and installed with electrical and plumbing connections is \$63,238.

After discussion, the Commission unanimously to approve the purchase of the 24' x 56' modular building from Satellite Shelters at a total cost of \$63,238 not to exceed a maximum of \$65,000.

E. Request for Approval of FY 11/12 Final Budget/Amendment Transfer.

As part of the fiscal year end process, it is standard practice to process a year end budget amendment to "true up" department and fund budgets so that no department or fund reflects an over-budget situation in the City's CAFR.

Staff is requesting the following budget transfers/amendments:

General Fund - Budget Transfer

A total of \$10,700 to be transferred within the General Fund and \$18,000 transferred from the General Fund to the Streetlighting District Fund.

- \$5,100 needs to be transferred to the Legal Department. This is to cover on-going fees attributable to the Manji case that have not yet been reimbursed to the City.*

- \$5,600 needs to be transferred to the Law Enforcement Department to cover the cost of a new roof at the Sheriff's office on Providence Blvd. This was unanticipated and was therefore unbudgeted.
- \$18,000 needs to be transferred to the Streetlighting Fund to cover a deficit in fund balance caused by revenues below budget and expenses over budget.
- \$28,700 needs to be transferred from General Government to cover the shortages in the above two General Fund Departments and the inter-fund transfer.
The General Fund is sufficiently under budget to cover all of the above adjustments.

Solid Waste Fund - Budget Amendment

Actual revenues fell below budget while actual expenditures were higher than budgeted. As a result, a budget amendment from fund balance in the amount of \$134,000 is needed to cover both the revenue shortfall and excess expenditures.

Streetlighting District Fund - Budget Amendment

The Streetlighting District Fund had been running a surplus in previous years. As this is a pass-through fund and should, ideally, have a zero fund balance, City staff has been intentionally budgeting to gradually draw down this fund balance. In FY 11/12, the fund balance decreased enough to create a negative balance so an inter-fund transfer is needed.

After discussion, the Commission voted unanimously to approve the General Fund budget transfer 2012-77, Solid Waste Fund budget amendment 2012-78 and Streetlighting Districts Fund budget amendment 2012-79 with the condition that the \$18,000 being transferred to the Streetlighting Fund is a short term loan and will be reimbursed in the new revenue cycle.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 18-2012, Abandoning rights-of-way within the area known as Dewey Boster Sports Complex, for first reading.

Article III of the Deltona Code of Ordinances was adopted by the City Commission and may be cited as the "City Easement Abandonment Article".

The City of Deltona, property owners, submitted an Abandonment of Right-of-Way application (Project No. EZ12-001) in accordance with Section 58-34, Deltona Code of Ordinances.

After discussion, the Commission voted unanimously to approve Ordinance No. 18-2012, at first reading and to schedule second and final reading for December 10, 2012.

B. Public Hearing - Resolution No. 2012-39, Pertaining to signs or notices

on homes prohibiting solicitors/peddlers.

At the October 25, 2012 workshop the No Solicitation issue was presented to the City Commission as a proposed ordinance. At that workshop it was agreed that this issue would properly be dealt with as a Resolution.

After discussion, the Commission voted 6 to 1 (Commissioner Barnaby voted against the motion) to approve Resolution No. 2012-39, Pertaining to signs or notices on homes prohibiting solicitors/peddlers.

9. OLD BUSINESS:

Public Hearing – Ordinance No. 20-2012, Adding Article VII, “Mandatory Spay and Neuter”, to Chapter 14, “Animals”, of the City’s Code of Ordinances, relating to the mandatory spaying and neutering of dogs and cats, for second and final reading.

At the Regular City Commission Meeting on Monday, October 15, 2012 the City Commission tabled the second and final reading of Ordinance No. 15-2012 until November 19, 2012.

The mandatory spay and neuter ordinance was requested by Commissioner Herzberg to address the issue of unintended or uncontrolled breeding of dogs and cats which leads to many dogs, cats, puppies and kittens being unwanted, becoming strays, suffering starvation and death, and being impounded and euthanized at great expense to the City. The Ordinance was patterned after Volusia County’s Ordinance.

At the October 8th Commission workshop, the Commission discussed the proposed Ordinance and agreed to consider tabling the Ordinance at second and final reading to a time certain to allow staff and the elected officials more time to consider revisions to the Ordinance. The Ordinance was included on the October 15th Commission agenda because it had already been advertised for second and final reading, and that time was tabled to November 19th.

After discussion, the Commission voted unanimously to table Ordinance No. 20-2012.

B. Discussion and action to consider approval of the settlement in the Manji vs. City of Deltona law suit, fully resolving the case.

In 2004, there was a series of unusually heavy rain events that caused much flooding in the Deltona area. The owners of certain properties south of Deltona claimed that the City’s drainage system caused their undeveloped land to flood. In 2006, those owners filed suit against the City of Deltona in an inverse condemnation case. Damages were claimed to be over \$1 Million. Over the years the case was handled on behalf of the City by 5 different lawyers. When the

current City Attorney took over the case, she recommended making an offer of judgment of \$50,000 to either settle the entire case, or pave the way to a possible recovery from the plaintiffs of the City's Attorney fees if the City was ultimately successful at trial. The plaintiffs did not accept the offer and the case eventually went to trial. The current City Attorney represented the city in the trial, and the case was decided in favor of the City. The total attorney's fees paid by the City to the current City Attorney for representation in the case totaled approximately \$43,000. Because of the offer of judgment, the City claimed payment of its fees from the date of the offer of judgment from the plaintiffs. After a recent mediation to determine the fees to be paid to the City to fully resolve the lawsuit, the plaintiffs offered to pay the City \$100,000, payable over a 6 month period, secured by a promissory note personally signed by the owners. The City Attorney recommends that this offer be accepted.

After discussion, the Commission voted unanimously to approve the plaintiffs' offer to pay the City \$100,000, payable over a 6 month period, secured by a promissory note personally signed by the owners.

10. NEW BUSINESS:

A. Consideration of appointment of one (1) member to the William S. Harvey Deltona Scholarship Advisory Board (Commissioner Herzberg's appointment).

Ms. Dawn Drysdale (appointed by Commissioner Herzberg) of the William S. Harvey Deltona Scholarship Selection Advisory Board has resigned from the Board effective October 10, 2012, however, she has since reconsidered and would like to be re-appointed to the Board.

The City has run press releases, and posted the opening on the City's WebPage and bulletin boards. To date, the City has received applications from the following interested individuals: Lori S. Burbank, Dawn Drysdale, Ruth Garcia, Kay L. Gardner, Kenneth R. Grant, Donna L. Hodges and Robert H. Robinson.

After discussion, the Commission voted unanimously to confirm the appointment of the following individual: Dawn Drysdale to the William S. Harvey Deltona Scholarship Selection Advisory Board for a term to expire on May 31, 2013.

B. Consideration of one (1) alternate Commission representative to the Volusia Transportation Planning Organization (TPO).

The Volusia TPO is an independent organization responsible for the planning and programming of all Federal and State transportation funds for all of Volusia County and the Cities of Flagler Beach and Beverly Beach in Flagler County. This organization is the primary forum within which member local governments and citizens voice concerns, identify priorities, and plan for transportation

improvements for all modes of transportation – roadway, public transportation, and bicycle and pedestrian facilities.

The Volusia TPO Board membership consists of elected officials representing all of the local governments, including municipal and county entities. As outlined in Florida Statutes, the Volusia TPO Board is comprised of 19 voting members who review local, regional, and statewide transportation issues and work cooperatively to determine appropriate policy to address transportation needs. In addition, there are five non-voting members on the Volusia TPO Board who are appointed primarily to provide information and recommendations to the Volusia TPO Board.

The Volusia TPO Board meets on the fourth Tuesday of every month and all meetings are properly noticed and open to the public. Board meetings are held at the Volusia TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, Florida and begin promptly at 8:00 AM.

In the event that Mayor Masiarczyk is unable to attend a TPO meeting, it would be beneficial for the Commission to appoint an alternate representative which is currently filled by former Commissioner Carmolingo.

After discussion, the Commission voted unanimously to confirm the appointment of Commissioner Nabicht as the alternate Commission representative to the Volusia Transportation Planning Organization.

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, Joyce Kent 48 hours in advance of the meeting date and time at (386) 878-8500.