

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
MONDAY, DECEMBER 10, 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 Barnaby.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes – Regular City Commission Meeting of November 19, 2012.

[The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of November 19, 2012.](#)
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation by Dave Rowan, Philadelphia Union Executive Vice President/Chief Revenue Officer re: 2013 Philadelphia Union Pre Season.
 - B. Presentation – Super Star Student of the Month Certificates for November, 2012.

- C. **Presentation of Certificates – Deltona Panthers Sr. Midget Cheerleaders Squad, Deltona Panthers Mitey Mites Cheerleaders Squad, and Deltona Panthers Jr. Pee Wee Cheerleaders Squad.**
- D. **Presentation of Certificates - West Volusia Wolves Junior Midget Pop Warner Football team and to the West Volusia Sr. Midget Cheer & Dance Squads.**
- E. **Presentation to Volusia County Sheriff’s Office Employees of the Third Quarter, 2012.**
- F. **Certificate of Recognition – Traveling Trophy from the American Lung Association’s Fight for Air Climb – 1st Place - Overall Firefighter Award for Best Times and Highest Fundraising 2012.**

**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 Addendum to the Subrecipient Agreement (Agreement) between the City of Deltona and the Southwest Volusia Habitat for Humanity (Habitat).**

In 2008, the City received a grant from the U.S. Department of Housing and Urban Development (HUD) for the Neighborhood Stabilization Program (NSP). The grant included \$6.6 million as Program Funds to start and operate the project. The purpose of the program is for the purchase, rehabilitation, and sale of foreclosed, bank-owned properties. The sale of the homes is restricted to applicants that are within certain income limits and the sale of each home creates additional Program Income to continue the program.

The City purchased 53 properties with the initial Program Funds. Two of the properties were included in partnership with Habitat for them to construct the home, to find qualified homeowners, and to sell the homes. In 2010, the City entered into the Subrecipient Agreement Between the City of Deltona and

Southwest Volusia Habitat for Humanity, Inc. for the Neighborhood Stabilization Program *to achieve those steps.*

Since 2010, Habitat built the two homes located at 1242 Abigail Drive and 3064 Shallowford Street. A third property, located at 3230 Tallwood Drive, was deeded back to the City and is under construction. Since the Habitat program includes volunteer labor by the proposed homeowner, Habitat elected to rent the homes to the future owner until the home closes under a lease-purchase agreement negotiated between the families and Habitat. Habitat anticipates closing on the properties by the end of 2012, so that the occupants can take ownership of the dwellings while they are eligible for a Homestead tax exemption this year.

The City engaged HUD to ensure that the Habitat homes would be closed properly, especially in light of the need for Continued Affordability and future monitoring. A technical advisor from HUD focused on making the existing Agreement more effective and the result was to add an Addendum B and two ancillary attachments. The addendum language and attachments are summarized as follows:

- 1) Addendum Article 3. Scope of Services: Specifies an affordability period, recapture requirements, loan underwriting, second mortgage subsidy, sales price for a home, income eligibility, temporary rental activity, program income, and a requirement for a homebuyer to obtain a homebuyer counseling certificate. The purpose of these requirements are to ensure a degree of consistency between how Habitat clients are vetted and how the City clients are managed. The uniformity will also promote appropriate grant monitoring activities. Grant management is a very important HUD requirement and the proposed language will help facilitate comprehensive monitoring.*
- 2) Addendum Article 6. Special Terms and Conditions: Other proposed additions to Article 6 are statements that facilitate compliance with applicable federal codes including environmental reviews, documentation, record keeping, and conflicts of interest.*
- 3) Addendum to Existing Lease Agreement With Option to Purchase: Because the City was not part of the lease agreement between Habitat and the subject families, the addendum clearly indicates that there is a purchase option and the purchase of the home must comply with City NSP rules and regulations.*
- 4) Move-in Notice/Guideform Notice to Prospective Tenant: This is a notice to tenants that if they are displaced for any reason, they will not be eligible for relocation payments/assistance, etc.*

Approved by Consent Agenda – to approve the Subrecipient Addendum B and related attachments and to authorize the City Manager to sign the documents.

B. Request for Approval to purchase twelve (12) vehicles piggybacking the Florida Sheriff's Association Contract #12-20-0905.

This is a request to piggyback the Florida Sheriff's Association for the purchase of twelve (12) vehicles. These vehicles are replacement vehicles that were approved in the FY 12/13 budget as the current vehicles being used meet the City of Deltona Vehicle Replacement Guidelines.

After discussion, the Commission voted 5 to 2 (Commissioner Herzberg and Vice Mayor Denizac voted against the motion) to approve to approve piggybacking Florida Sheriff's Association Contract #12-20-0905 for the purchase of eleven (11) vehicles from the dealerships as listed on the contract at a total cost of \$264,699 and replacing the purchase of the Toyota Prius with the Ford Fusion.

***C. Request for Approval for Award of Bid #13004 for Landfill/Dumping Services.**

Staff invited interested parties to submit a bid to provide a landfill for construction and road debris dumping and disposal of excess excavated earth material for an initial period of one year, renewable for three additional one year periods. The bid was posted on Demandstar and 349 were notified. There were thirteen planholders that downloaded the bid. Bids were received from 4 Jays Land Services, Inc. Gel Recycling, inc. and Waste Pro of Florida, Inc.

Approved by Consent Agenda – to approve to award this bid to 4 Jays Land Services, Inc. for an initial period of one year and renewable, upon appropriation of funding, for three additional one year periods upon mutual agreement of both parties.

***D. Request for Approval to Piggyback City of Cocoa Bid No. B-11-11-COC for water testing services.**

The Deltona Water and Stormwater divisions of Public Works are required by State Statutes and the Clean Water Act to perform tests on water and wastewater samples on a daily, weekly, monthly and yearly basis. These samples are taken from a variety of sources such as water plants, wastewater plant, wells, the water distribution system, lakes and ponds. The City does not have the capabilities of performing these tests in-house.

We are requesting to piggyback the City of Cocoa Beach's contract with Flowers Chemical Laboratories under Bid No. B-11-11-COC to perform these services. Flowers Chemical Laboratories will also provide courier services for our samples to be picked up and delivered to their lab on an as needed basis.

Approved by Consent Agenda – to approve piggybacking the City of Cocoa Beach agreement with Flowers Chemical Laboratories for water testing services for an initial period of one year with the option to renew for additional years as funds are appropriated.

- *E. **Request for consideration to approve Resolution No. 2012-40, Adopting the My Region.org's "Open For Business" initiative and pledging to promote a sound business climate, great service, job creation and business investment.**

"Open for Business," is announcing a "Regional Approach to Streamlining Permitting" across the Central Florida Region. "Open for Business" was led by a group of faithful Volunteer Leaders, representing a broad-based coalition; working together on behalf of thousands of employers across a seven-county service area including: Brevard, Lake, Orange, Osceola, Polk, Seminole, and Volusia Counties.*

"Open for Business" was successfully advanced by the following Founding Partners: the Associated Builders & Contractors, the Central Florida Partnership, the Home Builders Association of Metro Orlando, the Metro Orlando Economic Development Commission, the Orlando Regional REALTOR Association, and Workforce Central Florida; with Shelley Lauten, President of myregion.org serving as Project Director.

This "Community Celebration" represents another important step forward, when it comes to regional cooperation and collaboration; for sure, this "Community Celebration" will be an historic occasion, helping to proudly and properly celebrate our communities working together, knowing that our shared "goal," from the very beginning of "Open for Business," has been to help advance the region's economic recovery, by helping to put "working families back to work."

Approved by Consent Agenda – to approve adopt Resolution No. 2012-40.

- F. **Request for Approval of Municipal Services Agreement between the City of Deltona and Volusia County.**

The City of Deltona has contracted with Volusia County for various municipal services in the past and the County has combined all of the services into one contract this year for ease of tracking.

The City of Deltona approved an Interlocal Agreement with Volusia County for Traffic Engineering Services which is good until September 30, 2015 with options to renew thereafter. The County currently provides maintenance and operation of our Traffic Control Devices which promotes an integrated balanced traffic network in Volusia County to benefit the residents.

This interlocal agreement now includes other services previously provided by the County under separate contracts such as mosquito control services and road and bridge services.

The City relies on the County for services like mosquito control as they have the qualified personnel and equipment to perform the tests and treatment. The Road and Bridge Division of the County can provide services on an as needed basis for roadway and drainage infrastructure maintenance or repairs.

This agreement will be in effect until September 30, 2015 with an option to renew thereafter.

After discussion, the Commission voted unanimously to approve the Interlocal Agreement between the City of Deltona and Volusia County for municipal services with an initial term expiring on September 30, 2015 with the option to renew thereafter as funds are appropriated.

*** G. Request for Approval for the Submittal of Program Year 2011 Consolidated Annual Performance Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD).**

The CAPER is a summary of the accomplishments achieved under Title 24 of the Federally-funded Community Development Block Grant Program (CDBG) which is administered by the City's Planning and Development Services Department.

The CAPER is submitted in accordance with regulations governing consolidated submissions for Community Planning and Development Programs (24 CFR 91.520) and CAPER requirements, as directed by HUD. The purpose of the CAPER is to report the City's use of funds for the various activities conducted during the year. The majority of funds were expended for projects for stormwater, housing, and public services.

The City submits a five-year strategic plan for the CDBG Program. This document is referred to as the "Consolidated Plan" (CP). The current CP is for Program Years 2008-2012 and describes the City's strategy for addressing housing and other community needs. The activity of the CP is carried-out through an Annual Action Plan.

The CAPER consists of narratives and tables, which describes the progress made toward achieving the goals and objectives set forth. It also highlights the efforts made by the City in carrying out various activities to improve the quality of life for low income households. In accordance with the citizen participation plan, a fifteen (15) day public comment period has been observed. Thus, staff requests City Commission approval for submittal of the 2011 CAPER to HUD on or before December 29, 2012.

Approved by Consent Agenda – to approve to approve the request to submit Program Year 2011 CAPER to U.S. Department of Housing and Urban Development (HUD).

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, at second and final 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 second and final reading.

B. Public Hearing – Conceptual Site Plan (CSP12-005)/Final Site Plan (FSP12-006) for the proposed McDonald's restaurant to be located at 131 Howland Boulevard.

McDonalds Corporation is proposing the development of a prototypical stand-alone drive-through restaurant that is ±3,889 square feet to be located within the WalMart plaza located at 131 Howland Boulevard. The overall master development project includes a WalMart Center, a Fairwinds Credit Union, the Shoppes of East Deltona, and two vacant outparcels. The master development and ±1.13-acre subject site has a Commercial future land use designation and a Business Planned Unit Development (BPUD) zoning classification. The zoning classification for the proposed site is consistent and compatible with the future land use designation. Further, the proposed drive-through restaurant use is compatible with the existing development within the area and would be considered a permitted use within the subject BPUD.

The internal roadway system inside the master development is designed to maximize internal trip capture. For an intensive commercial use, such as a drive-through restaurant with seating, the subject parcel inside of the master development project is a good location to preserve the roadway capacity of both Howland Boulevard and SR 415 (which also is benefited from the signalized intersection at the entrance to the plaza). Both Howland Boulevard and SR 415 are planned to be widened that will increase the capacity of the regional roadway network. The improvements that the City undertook for Ft. Smith Boulevard also adds to the functionality of that roadway network.

Finally, the City's Development Review Committee (DRC) reviewed and approved the proposed application with comments that were addressed by the applicant. The applicant has agreed to provide the most current and attractive exterior building elevations. The applicant is providing intensive project landscaping on this small site and has relocated features to accommodate site functionality; such as use, solid waste collection, pedestrian connectivity, and emergency management access. One issue due to the small size of the building was to be able to provide mechanical equipment on the roof to accommodate large interior refrigeration units for food storage. In lieu of a pitched roof, the applicant will provide a parapet and screen wall to mitigate the view of the HVAC system on the roof, as well as additional architectural fenestration.

After discussion, the Commission voted unanimously to approve Conceptual Site Plan (CSP12-005)/Final Site Plan (FSP12-006) for the proposed McDonalds restaurant to be located at 131 Howland Boulevard.

9. OLD BUSINESS:

10. NEW BUSINESS:

- A. Consideration of request from German and Keira Espada for reduction of fine from \$4,200.00 assessed pursuant to Special Magistrate Case DEL-12-136.**

An order Imposing Fine/Lien was entered on August 22, 2012, by the City of Deltona Special Magistrate, ordering German and Keira Espada to pay to the City of Deltona a fine in the amount of one hundred dollars (\$100.00) per day beginning August 22, 2012, for each and every day the violations exist and continues to exist or until a maximum amount of \$20,000.00 is reached. The violation occurred when the respondent failed to obtain a permit to replace a hot water heater at the property located at 1516 Coronet Drive. The respondent failed to come into compliance for 42 days. The total accumulated amount due is \$4,200.00. On November 28, 2012 Keira Espada appeared before the Special Magistrate to request a recommendation to reduce the fine.

The Special Magistrate made a recommendation to reduce the fine to \$500.00.

After discussion, the Commission voted 6 to 1 (Commissioner Nabicht voted against the motion) to that the City Commission grant the request of German and Keira Espada for a reduction of the fine concerning Case No. DEL-12-136 for the property located at 1516 Coronet Drive, Deltona, Florida, to the sum of \$500.00 to be paid along with the \$250.00 from case number DEL-12-137 for a total of \$750.00 within 60 days (February 10, 2013) or the fine reverts back to the original amount.

B. Consideration of appointment of a City representative to the Volusia County TPO's Bicycle and Pedestrian Advisory Committee (BPAC).

The City of Deltona has been looking for one (1) individual interested in serving as the City's representative to the Volusia County TPO's Bicycle and Pedestrian Advisory Committee (BPAC). The Committee consists of 19 voting members made up of private citizens. The Committee meets on the second Wednesday of each month at 3:00 p.m. at the TPO office at 2570 W. International Speedway Blvd., Daytona Beach.

The mission of the BPAC is to: "Create and implement a regional plan for the continuing enhancement and expansion of the bicycle and pedestrian network. We will support activities that encourage and provide for a safe and balanced transportation system that promotes connectivity, mobility, health and an improved quality of life."

The City has run press releases and posted the openings on D-TV, the City's WebPage and bulletin boards. To date the City has received one application from the following interested individual:

Scott Leisen, 2493 Riddle Court, Deltona, FL, District 2.

After discussion, the Commission voted unanimously to confirm the appointment of Scott Leisen as the City's representative to the Volusia County TPO's Bicycle and Pedestrian Advisory Committee (BPAC).

C. Consideration of appointment of seven (7) members to the Parks and Recreation Advisory Committee.

The terms of all seven (7) members of the Parks and Recreation Advisory Committee expire on December 30, 2012. Out of the seven (7) current members the following four (4) members have expressed that they wish to be re-appointed to this Committee: Susan Armon (Vice Mayor Denizac), Julio De Leon (Commissioner Shleicher), Bernice Ludvick (Commissioner Nabicht) and James W. Ruth (Mayor Masiarczyk).

The City has run press releases and posted openings on D-TV, the City web site and bulletin boards. Applications were submitted by: Kay L. Gardner and Nathan D. Johnson.

After discussion, the Commission voted unanimously to confirm the re-appointment of Susan Armon, Julio DeLeon, Bernice Ludvick, James W. Ruth and Patty Srebernak and the appointment of Kay Gardner and Nathan Johnson.

- D. ADD-ON ITEM: Consideration of request by Commissioner Nabicht to grant a onetime special holiday of Monday, December 31, 2012 for all City employees.**

After discussion, the Commission voted 1 to 6 (Commissioner Barnaby, Commissioner Herzberg, Commissioner Lowry, Commissioner Schleicher, Vice Mayor Denizac and Mayor Masiarczyk voted against the motion) to approve December 31, 2012 as a onetime special holiday for all City employees.

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.