

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING MONDAY, APRIL 1, 2013 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:**
 - A. **Silent Invocation Presented by Commissioner Barnaby – Reverend James Jones, Senior Pastor of Trinity Assembly of God, 875 Elkcam Blvd., Deltona, FL.**
4. **APPROVAL OF MINUTES & AGENDA:**
 - A. **Approval of Minutes - Regular City Commission Meeting of March 18, 2013.**

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of March 18, 2013 with the following corrections; Page 3, Line 2 should read “..number of parking spaces allowed changed from 18 to 30.”; and Page 3, Line 12, add the following comment: Mayor Masiarczyk had the rates prepared and available for Mr. Dragoun and it was provided to him at the meeting.
 - B. **Additions or Deletions to Agenda.**

Staff requested to pull Agenda Items 7-A and 8-A and the Commission concurred.
5. **PRESENTATIONS/AWARDS/REPORTS:**
 - A. **Presentation – Super Star Student of the Month Certificates for March, 2013.**
 - B. **Presentation – Recognizing Deputy Bryon Poteralski and Sergeant Mike Odgers for saving the life of a one year old**

toddler.

C. Proclamation - Mayors Day of Recognition for National Service - April 9, 2013.

**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 use the Florida Sheriff's Association Contract to purchase Pierce Level I Custom Pumper.**

As presented at the Commission workshop of January 14, 2013, the Fire Department is experiencing excessive down time of frontline fire apparatus due to mechanical failure and the shortage of parts for several of our engines. Budgeted for Fiscal Year 2012-13 and 2013-14 (tentatively) was the replacement for our Aerial Ladder. The Insurance Services Office (ISO) no longer recommends the need for an aerial ladder, although it is a piece of equipment that has tactical advantages that are unique to this type of equipment. After discussion by the Commission, it was decided to retain our 2003 Aerial Ladder as a reserve apparatus and utilize budgeted funds to purchase a fire engine to be added to the fleet to avoid the frequency of out of service time and the dependence on other municipalities to provide loaner engines.

This request exceeds the budgeted amount of \$400,000 by approximately \$40,000. This is due to an upgrade of the base chassis that will provide a better working environment for our firefighters, provide a longer warranty and enhancements that will save on annual repair and maintenance costs by reducing the down time associated with the normal wear and tear experienced by fire apparatus.

Item was pulled from the agenda by staff.

***B. Request for approval to award Bid #PW13-04, Keyes Lane Drainage Improvements – Phase 2.**

Public Works solicited bids for the Keyes Lane Drainage Improvements Project. This project includes drainage improvements for the Keyes Lane roadway. Heavy rains in the past have caused flooding over the road and makes it impassable for

pedestrian and vehicular traffic. Improvements are needed to alleviate localized flooding, minimize the interruption of traffic flow and maximize the impact of public safety. The project will provide additional storm drain infrastructure including storm inlets, drainage ditches, storm pipe and storm manholes. The project also includes adjustments to utilities to avoid conflicts with storm drain improvements and surface restoration. The project is in the 2012/2013 CIP budget and is being funded with Community Development Block Grant (CDBG) funds. The project will be completed this budget year.

The bid was solicited on Demandstar and was sent to 475 contractors. There were 43 planholders for this bid with the following 10 responsive bids being received:

- 1. Hazen Construction, Inc.: \$176,956.00*
- 2. C.E. James, Inc.: \$188,960.50*
- 3. Barracuda Building Corp.: \$205,422.00*
- 4. Built Rite Construction: \$212,680.90*
- 5. R.A. Scott Construction: \$227,560.65*
- 6. McMahan Construction: \$261,019.00*
- 7. Sun Road: \$279,315.00*
- 8. Thadcon, LLC: \$289,496.00*
- 9. Crossroads Site Development: \$293,373.00*
- 10. APEC: \$388,776.75*

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

Approved by Consent Agenda – to award Bid #PW-13-04 for the Keyes Lane Drainage Improvements - Phase 2 Project to Hazen Construction, Inc. at a total cost of \$176,956.00.

***C. Request for approval to award Bid #PW13-06, Tipton Drive Improvements.**

Public Works solicited bids for the Tipton Drive Improvements project. This project includes stormwater improvements for the Tipton Drive area and Tradewinds Drive roadway. Heavy rains in the past have caused this land locked stormwater pond to stage up and flood the nearby roadways and has even come close to flooding local homes in the area. In prior years, Public Works has had to provide portable pumps at this location to pump the water to Lake Louise. Improvements are needed to alleviate localized flooding, minimize the interruption of traffic flow and maximize the impact of public safety. The project will provide an overflow control structure, including a water elevation structure and pipe to allow overflow to an adjacent lake. The project is in the 2012/2013 CIP budget and is being funded with stormwater utility funds. The project will be completed this budget year.

The bid was solicited on Demandstar and was sent to 546 contractors. There were 50 planholders for this bid with the following 8 responsive bids being received:

- 1. Hazen Construction, Inc.: \$179,275.00*
- 2. Barracuda Building Corp.: \$188,585.00*
- 3. Built Rite Construction: \$196,615.00*
- 4. Sun Road: \$224,997.00*
- 5. Thadcon: \$244,290.00*
- 6. Crossroads Site Development: \$296,000.00*
- 7. R.A. Scott Construction: \$301,500.00*
- 8. APEC, Inc.: \$326,192.95*

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

Approved by Consent Agenda – to award Bid #PW-13-06 for the Tipton Drive Drainage Improvements Project to Hazen Construction, Inc. at a total cost of \$179,275.00.

***D. 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 14, 2013 and selected 28 applicants to receive the 2012/2013 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 12/13 budget included an amount of \$50,000 for scholarship awards based on anticipated revenue from recyclables.

Approved by Consent Agenda – to approve the 2012/2013 William S. Harvey Deltona Scholarship recipients as presented by the William S. Harvey Deltona Scholarship Advisory Board.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Dunkin Donuts Final Site Plan (FSP 12-005) Developer's Agreement Amendment.

Final Site Plan (FSP 12-005) was approved by the City Commission on August 6, 2012, for the construction of a Dunkin Donuts retail center that includes additional leasable suits. Historically, the site was approved for a real estate office building and a Developer's Agreement and Cross Access Easement

(Agreement) was recorded for the site. The Agreement provided for conditions of approval for internal circulation, connectivity, and neighborhood compatibility.

The change in use from the proposed office building that was to be oriented towards the neighborhood to a commercial use oriented away from the neighborhood, warranted a change in the site design that removed several of the conditions of approval. Two conditions concerning the construction of a 5-ft. wide sidewalk along Roseapple Avenue were carried over from the former Agreement to the Dunkin Donuts Amended and Restated Developer's Agreement Including Grant of Cross Access Easement (Amended and Restated Agreement).

Briefly, the applicant would construct a 5-ft. wide sidewalk along Roseapple Avenue to Boxelder Street and provide a certified cost estimate to receive impact fee credits. Upon review with the Public Works Department, there was a level of work performed by the City within the subdivision to the north to provide stormwater management through a series of swales draining to a City stormwater pond along the east side of Roseapple Avenue. The sidewalk may cause re-engineering of the swale. There is no direct connection of sidewalk at the intersection of Roseapple and Boxelder to connect the sidewalks. Finally, the original condition of approval for the office building did not specify what type of impact fee credit that could apply and certain fees are pledged against a bond that are not eligible for impact fee credits. So, the condition may not be able to be implemented as originally requested for the former office building.

Based on the above, no objection from the Public Works Department, and the results of a 300-ft. mailout for the public, staff requests that the City Commission remove the conditions of approval within the Amended and Restated Agreement for the Dunkin Donuts site, as follows:

- 10(A): Owner/Developer agrees to construct a five (5) foot wide sidewalk along Roseapple Avenue and said sidewalk shall extend past the northern property line to Boxelder Street. Owner/Developer shall be reimbursed for the construction of the sidewalk north of their property line in impact fee credits. The portions of the sidewalk located in front of the property area shall be constructed at Owner/Developer's sole cost and expense (approximately 300 feet).*
- 10(B): Owner/Developer shall provide signed and sealed construction cost estimates for the construction of the sidewalk north of the property and documentation of the actual construction costs for reimbursement in impact fee credits.*

The sidewalk on the Dunkin Donuts site will be constructed by the Owner/Developer.

Item was pulled from the agenda by staff.

B. Ordinance No. 02-2013, amends Chapter 102, Signs, and Chapter 70-30, Definitions, of the Code of Ordinances, to provide for amendments to Changeable Copy Signs and associated support definitions, at first reading.

In June 2012, the City Commission adopted a new Sign Code through Ordinance No. 04-2012 as Chapter 102 of the Code of Ordinances. Within the amendment to Chapter 102, Section 102-102 was created to include Changeable Copy Signs as permissible signs for non-residential uses. Section 102-102(3) addresses electronic changeable copy display criteria. The proposed amendment is to alter the criteria in Chapter 102, Signs, and in Chapter 70-30, Definitions, as follows:

Chapter 102, Signs.

Section 102-1. Purpose and intent.

(a) The intent of this chapter is to ensure adequate means of communication through signage, while maintaining the attractive visual appearance within the City. By specifying criteria for all signage as stated herein, this chapter is intended to serve the following purposes.

(8) The full face of signs may be illuminated subject to the brightness standard established under section 102-102(a)(3)ef.

Section 102-3. Prohibited Signs.

(6) Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles and digital electronic changeable copy signs.

Section 102-102. Changeable copy signs.

(3) Electronic changeable copy display shall be subject to all applicable provisions within this section and Chapter as well as the following requirements:

a. The display screen shall be located on a lot, outside of public rights-of-way, along ~~allowed only on~~ arterial roadway frontages as described in the City of Deltona eComprehensive pPlan, and shall not be oriented toward the vicinity of or directly face property used, planned, or zoned for residential purposes.

b. ~~The display screen must be integral to the design of the sign structure and shall not be the dominant element.~~ Any message or picture displayed shall be static in nature and shall not project continuous scroll, blink, flicker, flash, scintillate, or be otherwise animated, except for on digital electronic changeable copy signs. Transitions from one static image to the next shall appear to be instantaneous.

c. Copy change of the display screen shall not be more frequent than once per two (2) 4 seconds. The use of background animation is allowed on digital electronic changeable copy signs where the foreground of the sign displays static images prior to transitioning to another static foreground image. Transitions from one static foreground image to another may also display frame effects that last no

longer than two (2) seconds. The use of flashing, foreground animation, and full motion video on such signs is prohibited.

~~d. Any message or picture displayed shall be static in nature and shall not project continuous scroll, blink, flicker, flash, scintillate, or be otherwise animated. Transitions from one static image to the next shall appear to be instantaneous.~~

de. All electronic changeable copy signs shall come equipped with automatic dimming technology that automatically adjusts the sign's brightness in direct correlation with ambient light conditions.

ef. No electronic changeable copy sign shall exceed a brightness level of 0.3 foot candles above ambient light, as measured using a foot candle (Lux) meter at a preset distance depending on sign area, measured from a measuring distance calculated with the following formula: The square root of the product of the sign area multiplied by one-hundred.

Chapter 70-30, Definitions.

Changeable copy sign: Any sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign that also includes digital electronic changeable copy signs.

Electronic message center: a changeable copy face, lighted sign that flashes, moves and/or flashes to create an illusion of movement for the purposes of advertising, promotion or attention-getting, with or without copy (Similar to "Scoreboard or digital electronic changeable copy sign.")

Frame effect: a visual effect on an electronic message center applied to a single frame to transition from one message to the next.

Full animation: The use of movement or some element thereof, to depict action or create a special effect or scene across the entire face of a sign and is also known as "background animation."

Finally, the Planning and Zoning Board met on March 20, 2013, to review the ordinance and voted unanimously to recommend that the City Commission approve Ordinance No. 02-2013.

After discussion, the Commission voted unanimously to approve Ordinance No. 02-2013, amendments to Chapter 102, Signs, and to Chapter 70-30, Definitions, of the Code of Ordinances, to provide for amendments to Changeable Copy Signs and associated support definitions, at first reading.

9. OLD BUSINESS:

- A. **Request for approval of an Interlocal Agreement with the Cities of DeLand, Deltona and Orange City 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 it's 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 it's 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 approve the City of Deland/City of Deltona/City of Orange City Automatic Aid Interlocal Agreement as presented.

10. NEW BUSINESS:

A. Economic Development Proposal.

After discussion, the Commission voted unanimously to approve the proposed Interlocal Agreement as presented.

B. Discussion re: Sale of Dupont Lakes.

At the Workshop held on Monday, March 25, 2013 the Commission directed staff to add the discussion regarding the sale of Dupont Lakes to the April 1, 2013 Regular City Commission Meeting.

After discussion, the Commission voted unanimously to instruct staff to get an appraisal for the Dupont Lakes property.

11. CITY COMMISSION COMMENTS:

After discussion, the Commission concurred to keep the start time for next Monday's Workshop at 6:30 p.m. and to change the start time to 5:30 p.m. for all Commission Workshops thereafter.

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