

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING
MONDAY, JULY 15, 2013
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 July 1, 2013.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of July 1, 2013.
 - B. Additions or Deletions to Agenda.

Staff requested to pull Agenda Item 8-D and the Commission concurred.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation - Team Volusia Economic Development Corporation - Vice Chair John Wannamaker.
 - B. Presentation of City Investments by Julie Hughes, Davidson Fixed Income Management.
 - C. Presentation - Distinguished Budget Award for Fiscal Year 2012-2013.

D. Presentation - Quarterly Reports of City Advisory Boards/Committees.

**6. PUBLIC FORUM – Citizen comments for any items.
(4 minute maximum length)**

CONSENT AGENDA: All items marked with an * will be considered by one motion unless removed 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 piggyback Florida Sheriff's Association contract with Ring Power Corporation for one (1) Caterpillar 289CD Skid Steer Loader with Tracks - Stormwater Division.**

The Stormwater Division is requesting approval to award the purchase of one (1) Caterpillar 289CD Skid Steer Loader with Tracks. There are over 100 locations, including CDBG areas, that are scheduled to be a part of the Stormwater Divisions ongoing efforts of City wide drainage improvements projects. The new Skid Steer Loader will give the Stormwater Division the ability to complete these projects in a timely manner.

This item is being purchased with budgeted funds that were originally allocated for the Leland Drainage Improvements project. However, this project will not start until the FY2014 due to design and permitting delays.

To purchase this item, and as allowed in City/State policy, staff is requesting that the City piggyback the Florida Sheriff's & Florida Association of Counties Contract #12-10-095, which was solicited, approved and awarded by the Florida Sheriff's & Florida Association of Counties on October 1, 2012.

Approved by Consent Agenda – to approve award to Ring Power Corporation at a total cost not to exceed \$81,598.30 in accordance with the Florida Sheriff's & Florida Association of Counties contract #12-10-905 for one (1) Caterpillar 289CD Steer Loader with Tracks.

- * B. **Request for approval to piggyback State of Florida contract with the John Deere Company for two (2) John Deere 997 Commercial Zero Turn Radius Mowers - Stormwater Division.**

The Stormwater Division is requesting approval to award the purchase of two (2) John Deere 997 Commercial Zero Turn Radius Mowers. The Mowers will be used to maintain the City's 31 residential sectors and the new drainage retention ponds constructed as part of the recent road widening on Ft. Smith Blvd. and Normandy Blvd.

These mowers are being purchased with budgeted funds that were seen from a cost savings in the Water Tanker Truck that was purchased earlier this year. The Water Tanker Truck was originally budgeted for \$67,000.00. However, the price was significantly lower and remaining funds are available to cover the costs of the mowers.

To purchase these items, and as allowed in City/State policy, staff is requesting that the City piggyback the State of Florida Contract # 760-000-10-1, which was solicited, approved and awarded by the State of Florida on April 28, 2010.

Approved by Consent Agenda – to approve award to the John Deere Company at a total cost not to exceed \$32,306.00 in accordance with the State of Florida contract #760-000-10-1 for two (2) John Deere 997 Commercial Turn Radius Mowers.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Resolution 2013-25, 2013 Volusia County Floodplain Management Plan.

The City of Deltona has actively participated in efforts to improve floodplain management throughout the City. Through the years, it has engaged consultants to perform basin studies and provide data to update FEMA flood maps, adopted policies and maps that provide guidance to steer development away from the 100-year floodplain, met with FEMA and the State of Florida to begin the Community Rating System (CRS) process, and participated in Volusia County's 2013 Floodplain Management Plan (FMP) through the East Central Florida Regional Planning Council (ECFRPC) for the County and its cities. The FMP was completed under the Scope of Services between the ECFRPC and Volusia County at no cost to the City.

The FMP is a snapshot of floodplain hazards and provides separate jurisdictional plans developed as the appendices of the main plan. The design promotes a unified and regional approach to mitigation and planning efforts, due to the fact that floodplains and natural features typically do not follow political boundaries. The FMP is integrated with the Volusia County Local Mitigation Strategy (LMS), which provides an analysis of hazards and mitigation strategies setting up a CRS (see Appendix A for this analysis included on separate disc due to document size). The CRS is based on a community's FMP and provides an opportunity for policy holders to receive reduced flood insurance premiums in those communities that

meet certain requirements. Being included in the County's 2013 FMP performed by the ECFRPC further strengthens the City's potential to achieve its own CRS.

Finally, this FMP is part of FEMA's National Flood Insurance Program (NFIP) that provides federally supported flood insurance to communities that regulate development in or near floodplains. The goal is to achieve a Preferred Risk Policy (PRP) rate for a community that lowers premiums. As oversight, the FMP was developed with and will be annually updated with input from the Volusia County Local Mitigation Strategy Steering Committee, Volusia Prepares, and the Volusia County Growth and Resource Management and Public Works Departments. On June 13, 2012, the Volusia Prepares Steering Committee voted unanimously to incorporate the FMP into the Volusia County portion of the Local Mitigation Strategy.

After discussion, the Commission voted unanimously to approve Resolution No. 2013-25 for adoption of the 2013 Volusia County Floodplain Management Plan.

B. Ordinance No. 11-2013, Provision for Non-Profit Organization Flea Markets.

The City of Deltona received requests from non-profit organizations in the past to allow for flea markets as a potential revenue source and to become more sustainable. Ordinance No. 11-2013 is provided as a method to address that request, which permits non-profit organizations with the ability to conduct up to two (2) flea markets per year, similar to that afforded to residential homeowners conducting garage sales.

Specifically, Ordinance No. 11-2013 would amend Chapter 22, "Businesses," Article V, "Garage Sales," Section 155, "Flea Markets" (a.k.a. Section 22-155) of the City's Code of Ordinances, as follows:

Sec. 22-155. – Flea Markets. Flea Markets are prohibited within the city limits. It shall be unlawful to conduct, promote, or otherwise engage in operating a flea market within the municipal boundaries of the city. This section is not intended to apply to either a homeowner's garage sale or to a flea market by a non-profit organization, if no more than two such garage sales or two such flea markets are held in any ~~12-month period~~ calendar year and each lasts no longer than three consecutive days.

After discussion, the Commission voted unanimously to approve Ordinance No. 11-2013, at first reading, that amends Chapter 22, Businesses, Article V, Garage Sales, and Section 155, Flea Markets, to permit non-profit organizations to have up to two (2) flea markets per year.

C. Ordinance No. 20-2012, Revising Section 14-2 and 14-3 regarding public nuisance animals and prohibited animals; Adding Article VII, "Responsible

Pet Ownership and Licensing Standards", to Chapter 14, "Animals", of the City's Code of Ordinances, at first reading and to schedule second and final reading on August 5, 2013.

This is a re-write of the previously read "spay and neuter" ordinance. Because of the change in the title, it must go through first reading again. This ordinance provides an additional exception to the requirement for spaying or neutering for those dogs and cats that have not been cited by code enforcement, and that are not allowed to run at large.

After discussion, the Commission voted unanimously to table this item to a workshop for discussion.

- D. Public Hearing - Ordinance No. 12-2013, Amending Subpart A, Chapter 38, "Environment", by adding new Article VII "Stormwater Discharge Pollutant Control" and new Article VIII "Florida-Friendly Fertilizer use on Urban Landscapes", at first reading and to schedule second and final reading.**

Staff is proposing for the City Commission's approval the following new Article VII and Article VIII to Subpart A of Chapter 38 of the City of Deltona's Code of Ordinances:

Chapter 38 - Environment

Article VII - "Stormwater Discharge Pollutant Control" – As part of the improvement guide that EPA issued to the State of Florida for their MS4 Permit Program (a permit which we are issued by the State) there needs to be some changes to our ordinances in order to satisfy these permit requirements and effectively eliminate pollutants in our stormwater to the maximum extent practicable.

Article VIII "Florida-Friendly Fertilizer Use on Urban Landscapes" – Required by Florida Statute - Section 403.9337, F.S., which states that each county and municipal government located within the watershed of a water body or water segment that is listed as impaired by nutrients (Lake Monroe) pursuant to s. 403.067, shall, at a minimum, adopt the department's Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

Item was pulled from the agenda by staff.

9. OLD BUSINESS:

- A. Consideration of appointment of one (1) alternate member to the City's Charter Review Committee.**

At the Regular City Commission meeting held on Monday, June 17, 2013, the City Commission ranked each of the ten submitted applicants with the lowest five applicants being appointed to the Charter Review Committee. The second two (2) lowest ranked applicants were appointed as the alternate members to the Charter Review Committee, David Dapore and Paula Rossiter.

Due to Charter Review Committee member Mr. Lonnie Groot submitting his resignation to the City Commission and that the two (2) alternates have the same ranking score (39) the City Commission will need to rank the two (2) alternate members with the lowest score alternate member being appointed as the Charter Review Committee member to take the place of Mr. Lonnie Groot.

After discussion, the Commission voted unanimously to confirm the appointment of the following alternate member Paula Rossiter to the City's Charter Review Committee.

10. NEW BUSINESS:

- A. Request for consideration from Pedro E. Velez Perez and Ana Glison Fragaso for a reduction of fine from \$6,350.00 assessed pursuant to Special Magistrate Case DEL-05-002.**

An order Imposing Fine/Lien was entered on January 26, 2005, by the City of Deltona Special Magistrate, ordering Pedro E. Velez Perez and Ana Glison Fragaso to pay to the City of Deltona a fine in the amount of fifty dollars (\$50.00) per day beginning January 26, 2005, for each and every day the violations exist and continues to exist. The violation occurred when the respondent failed to obtain a building permit for an addition to the home located at 626 E. Normandy Blvd. The respondent failed to come into compliance for 127 days. The total accumulated amount due is \$6,350.00. On June 26, 2013 Pedro E. Velez Perez and Ana Glison Fragaso appeared before the Special Magistrate to request a recommendation to reduce the fine.

The Special Magistrate made a recommendation to reduce the fine to zero with the understanding that the owners complete the project and receive and pass a final building inspection.

After discussion, the Commission voted 5 to 2 (Commissioner Barnaby and Commissioner Schleicher voted against the motion) to grant the request of Pedro E. Velez Perez and Ana Glison Fragaso for a reduction of the fine concerning Case No. DEL-05-002 for the property located at 626 E. Normandy Blvd., Deltona, Florida, to \$200 to be paid within 90 days and then to follow the recommendation of the Special Magistrate.

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