

## AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, SEPTEMBER 3, 2013**  
**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 Commissioner Lowry - Pastor John McLaurin of Deltona Presbyterian Church.
4. APPROVAL OF MINUTES & AGENDA:
  - A. Approval of Minutes –Regular City Commission Meeting of August 19, 2013.  
  
The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of August 19, 2013.
  - B. Additions or Deletions to Agenda.  
  
The Commission voted unanimously to add Add-on Agenda Item 8-AA: Request for approval of the Contract between the City of Deltona and I.A.F.F. Local 2913.
5. PRESENTATIONS/AWARDS/REPORTS:
  - A. Proclamation – Professional Firefighter’s Appreciation Month – September, 2013.

**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 Bid #13014 Broadcast Room Playback System.**

*The existing playback system, Tight Rope, is at the point where it can no longer be updated to meet the needs of the City TV Station. The software and hardware were purchased in 2007, and have undergone several software updates. The hardware technology can no longer be supported by the manufacturer, other than to provide limited maintenance and technical support.*

*Due to our existing equipment being out of manufacture, parts are becoming increasingly difficult to obtain if at all. The only solution we currently have to look for replacement parts is on EBay/Craigslist with all the inherent risks involved with purchasing used parts from third parties, should we experience a system failure.*

*There is the reality that the existing maintenance/tech support would not be adequate to “get the TV station back on the air” should we suffer an equipment related failure.*

*The affected equipment would need to be repaired/replaced piecemeal and the City would lose broadcast capabilities for an indefinite period of time.*

*New technology incorporated into these new playback systems allow for a much longer “shelf life”, as these products are manufactured using technology platforms that are designed to be updated for longer periods of time.*

*The existing playback system will be retained and reconfigured to act as a backup solution, to keep the TV station on the air in the event the new system is temporarily off-line.*

*The projected reach to the current cable audience is estimated by Brighthouse Cable to be one half of Deltona households or 17,500 households.*

*To provide City information to these same residents through radio and newspaper, with the frequency as provided by the cable channel, would exceed*

*\$100,000 per year based on historical expenditures of this nature.*

*The bid was posted on demandstar's website and 102 suppliers were notified. There were ten companies that downloaded the bid but only one bid was received from Encore Broadcast Solutions. The Commission approved \$28,600 for this project. The bid came in at \$37,127.80.*

**After discussion, the Commission unanimously approved award of Bid #13014 for Broadcast Room Playback Equipment to Encore Broadcast Solutions at a total cost of \$37,127.80.**

**B. Request for approval of Resolution No. 2013-32 declaring certain property of the City as surplus and authorizing the sale or disposal of such property.**

*Over time certain items of the City become obsolete or lose their usefulness and are either replaced, upgraded or are no longer functional and need to be declared surplus or disposed of by the most appropriate means available.*

*The attached resolution declares certain property as surplus as they have long outlived their usefulness.*

*In accordance with Generally Accepted Governmental Accounting Principles (GAAP), all items in the General Fund have been previously expensed and therefore there is no budgetary impact.*

*The City has been using an online auction called GovDeals at [www.govdeals.com](http://www.govdeals.com) and has seen an increase in the amount received for surplus items when compared to doing a live auction as has been past practice. This has been determined to be the most profitable way of disposal as GovDeals has a huge customer base of over 150,000. The GovDeals auction is open to the public. The cost to sell on GovDeals will be netted against the proceeds for the items sold.*

**After discussion, the Commission unanimously approved Resolution No. 2013-32 declaring certain property of the City as surplus and authorizing the sale or disposal of such property.**

**\*C. Request for approval to Allow the Early Learning Coalition of Flagler & Volusia County and the Deltona-Southwest Volusia Kiwanis Club to Construct/Install and Maintain the Born Learning Trail at Harris M. Saxon Community Park.**

*Staff has received a request from the Early Learning Coalition of Flagler & Volusia County and the Deltona-Southwest Volusia Kiwanis Club both partnering to construct/install and maintain the Born Learning Trail in the City of Deltona at Harris M. Saxon Community Park. The Born Learning Trail is an interactive, playful and visible community engagement tool supporting early learning. It*

*includes 10 fun outdoor games on engaging signs helping parents and caregivers create learning opportunities for a young child. The trail will help boost children's language and literacy skills, promote family engagement and support an active lifestyle which will create a healthier community. Staff has requested and received a letter indicating that the Born Learning Trail would be completely installed and maintained (including signage) by both the Early Learning Coalition of Flagler & Volusia County and the Deltona-Southwest Volusia Kiwanis Club.*

*Upon completion of the installation of the Born Learning Trail, this will be the only Born Learning Trail in Volusia County.*

**Approved by Consent Agenda – to approve the construction/installation and maintenance of the Born Learning Trail at Harris M. Saxon Community Park.**

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

### **AA. Add-on Agenda Item: Request for approval of the Contract between the City of Deltona and I.A.F.F. Local 2913.**

**After discussion, the Commission voted unanimously to approve the Contract between the City of Deltona and I.A.F.F. Local 2913.**

### **A, Public Hearing - Resolution No. 2013-28, Adopting the Tentative Millage Rate for FY 2013/2014.**

*State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2013) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 17, 2013.*

*At this hearing, the City will:*

- First discuss the percentage increase or decrease in millage over the rolled-back rate. The proposed millage rate reflects a 4.80% increase from the rolled-back rate.*
- Adopt a tentative millage (Resolution No. 2013-28) and budget (Resolution No. 2013-29) by separate vote and in that order as required by State law.*
- If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (7.9900), each taxpayer within the City must be notified of the increase by first class mail.*
- Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (7.6243), and the percentage increase or decrease compared to the rolled-back rate (4.80%), and the*

*millage rate to be levied (7.9900) must be publicly announced. The tentative millage rate and budget will be used to advertise the final hearing scheduled for September 16, 2013.*

**After discussion, the Commission voted unanimously to approve Resolution No. 2013-28, adopting the tentative millage rate of 7.9900 mills for the levy of ad valorem taxes for fiscal year 2013/2014.**

**B. Public Hearing - Resolution No. 2013-29, Adopting the Tentative Annual Budget for FY 2013/2014.**

*State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2013) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 17, 2013.*

*At this hearing, the City will:*

- Amend the tentative budget and re-compute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage exceeds the rolled-back rate.*
- Adopt a tentative millage (Resolution No. 2013-28) and budget (Resolution No. 2013-29), in that order.*
- If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (7.9900), each taxpayer within the City must be notified of the increase by first class mail.*
- The adopted tentative millage and budget will be used to advertise the final hearing scheduled for September 16, 2013.*

**After discussion, the Commission voted unanimously to approve Resolution No. 2013-29, adopting a tentative budget for fiscal year 2013/2014.**

**C, Public Hearing – Ordinance No. 13-2013, amendment to the Bella Vista Business Planned Unit Development (BPUD) Master Development Plan (MDP), for first reading (Project No. RZ 13-005).**

*In 2008, the City of Deltona adopted Ordinance No. 11-2008 that approved a Business Planned Unit Development (BPUD) for the subject site. The BPUD contemplated a development program on-site for intensive commercial land uses, with several outparcels fronting along Howland Boulevard and a "big box" retail store at the rear of the site. The program included a maximum development potential for ±12 acres, that was supported by an internal roadway network of a "spine road" and drive aisles.*

*In 2013, the property owner wanted to update the Development Agreement to achieve a more flexible development program to expand the list of permitted uses and prohibited uses, which complement the site at a City gateway. On May 20, 2013, Ordinance No. 10-2013 was adopted by the City Commission that amended the Development Agreement. However, since there was no proposed new development at the time of the written agreement amendment, the original Master Development Plan (MDP) remained in the document, until a new development was proposed.*

*In July 2013, the City received an application from H.H. Holdings, Inc. (a Halifax Hospital company) to amend and update the MDP to coincide with the Development Agreement. Since the permitted uses were expanded to include medical office, H.H. Holdings, Inc. is proposing a development program with medical office and support uses on  $\pm 8.17$  acres, and a  $\pm 1.11$ -acre outparcel and  $\pm 2.23$  acres of stormwater ponds along the Howland Boulevard frontage. The proposed development program is less intensive than the previously approved plan, but would provide a much needed employment center, especially on the City's east side, and helps to balance the City's overall land use inventory.*

*The Planning and Zoning Board heard Ordinance No. 13-2013 at the August 21, 2013, meeting and had concerns of providing access to the Leahy property to the southeast, access for the Leahy property from Howland Boulevard, the inclusion of the cross-access easements over the Bella Vista site, as previously shown, and the provision of membership into a property owners association (POA) for maintenance of the "spine road". The Board recommended by a 4 to 1 vote that the City Commission approve Ordinance No. 13-2013.*

*The following addresses those concerns. The Leahy property currently has a driveway cut along Howland Boulevard for a residential use. Expansion of that driveway or relocation requires a Use Permit from Volusia County that owns and maintains Howland Boulevard. Due to the existing divided median within the Howland Boulevard right-of-way, with no opening, access to that site would be limited to a right-in/right-out movement. Additional access could be provided through the Pell property to the north and through the Bella Vista site through cross-access easements to be established when development is proposed for those sites (Pell and Leahy). However, the Leahy tract has the right to be developed independent of the other sites, as well.*

*Finally, use of the proposed "spine road" requires the establishment of a POA. The amendment to the Development Agreement in May 2013, removed the City from the obligation of being a party to the POA for the Bella Vista site, as well as the commitment in the 2008 Development Agreement that would have obligated the City to provide impact fee credits for the cost to construct internal roadways. Thus, the original agreement was inconsistent with the City's bond covenant, since transportation impact fees cannot be waived, and would have had a strong*

*financial obligation by the City to reimburse roadway construction costs through impact fee credits and to assist in the maintenance of the internally serving road.*

After discussion, the Commission voted unanimously to approve Ordinance No. 13-2013, at first reading, to amend the Bella Vista Business Planned Unit Development (BPUD) Development Agreement by providing a revised Master Development Plan (MDP).

**9. OLD BUSINESS:**

**A. Request for approval of Resolution No. 2013-33, adding bond insurance to certain maturities of the Utility System Refunding Revenue Bonds, Series 2013.**

*Section 7(L) of City Resolution No. 2013-27 adopted on August 19, 2013 authorized the purchase of Bond Insurance to insure all or some of the City's Utility System Refunding Revenue Bonds Series 2013 if the City's Financial Advisor determined that such was in the best financial interest of the City. As set forth in the attached Resolution certain of the Bonds maturing in the years 2023, 2025 through 2031 and 2039 were sold with Bond Insurance issued by Assured Guaranty Municipal Corporation. The City's Financial Advisor, First Southwest Company, has advised City staff that such was in the best financial interest of the City. The attached Resolution incorporates standard provisions in Assured's Bond Insurance commitment.*

After discussion, the Commission voted unanimously to adopt Resolution No. 2013-33.

**10. NEW BUSINESS:**

**A. Consideration of appointment of one (1) member to the Firefighter's Pension Plan Board of Trustees.**

*The Board opening has been advertised via press releases, posting on the City's WebPage, and on DTV. The following individuals have submitted an application for consideration of appointment to this Board: Janet Deyette and Daniel Fernandez.*

*In accordance with the City's Code of Ordinances, Sec. 46-28(a), "The board shall consist of five members, two of whom, unless otherwise prohibited by law, shall be legal residents of the City who shall be appointed by the governing body of the City, and two of whom shall be a full-time firefighters as defined in F.S. §175.032, who shall be elected by a majority of the active firefighters who are participants in the plan.*

After discussion, the Commission voted unanimously to confirm the

[appointment of the following citizen member Janet Devette to the Firefighters' Pension Plan, Board of Trustees for a term to expire on January 15, 2017.](#)

**B. Request to Certify Engineering Firms as Qualified to perform Construction Engineering and Inspection (CEI) Services for the construction of the Eastern Water Reclamation Facility.**

*The Public Works Department requested Statements of Qualifications from Engineering Firms for Services in accordance with the Consultants' Competitive Negotiation Act, F.S. Chapter 287.055 following the guidelines as set forth under the act. Because this is a project that exceeds the \$2,000,000.00 threshold, established by F.S. Chapter 287.055, a stand-alone solicitation for qualifications was requested from Engineering Firms to perform services related to the Construction Engineering and Inspection (CEI) Services for the Eastern Water Reclamation Facility project.*

*A Selection Committee was established to evaluate the three responses received from Engineering firms. After a complete review of the submittals received, the Selection Committee determined which firms were the most highly qualified in their ranking order. They are as follows:*

- 1. Baskerville-Donovan, Inc.*
- 2. CPH, Inc.*
- 3. McKim and Creed, Inc.*

*Shortly thereafter, interviews were set up with the three firms. However, it should be noted that McKim and Creed contacted the Purchasing Agent and asked that their firm be withdrawn from consideration. The Selection Committee proceeded with interviews of the top two remaining firms. After interviews, the Selection Committee then ranked the two firms based on their presentations and responses to questions from the Selection Committee. They are as follows:*

- 1. Baskerville-Donovan, Inc.*
- 2. CPH, Inc.*

*F.S. 287.055 states that any firm or individual desiring to provide professional services to the agency must first be certified by the agency as qualified to render the required services. The Selection Committee is requesting for the Commission to certify these firms as qualified so that they may be used for this project.*

*Once certified and in accordance with F.S. 287.055(5)(a,b,c), a contract will be negotiated with the most qualified firm and utilized for this project. Should a satisfactory contract not be negotiated with the firm to be most qualified, then negotiations will be completed with the second most qualified firm. Once a*

*proposed price is agreed upon, the contract will be brought back to the City Commission for final approval.*

**After discussion, the Commission voted unanimously to certify, Baskerville-Donovan, Inc. and CPH, Inc. as qualified to perform Construction Engineering and Inspection Services for the City, as it pertains to the Eastern Water Reclamation Facility project and to move into negotiations within the guidelines of F.S. 287.055.**

**C. Request for approval of Award of Bid #PW13-12, Construction of the Eastern Water Reclamation Facility.**

*The Eastern Water Reclamation Facility has been planned and designed to support and service development in the eastern portion of the City. The new facility will provide additional treatment capacity to handle a portion of the sanitary sewer flows currently being treated at the Fisher Wastewater Treatment Facility. This new facility thus will allow continued growth in the western half of the City by the transfer of flows from the Fisher facility. The Eastern WRF is located within the utility service area of the City. The Osteen JPA area would be serviced by the City through the Eastern WRF. The estimated wastewater flows in the JPA is over 3.0 MGD. This increase in flows will provide significant utility and ad valorem tax revenues to the City.*

*The new water reclamation facility will be a state of the art facility capable of meeting all advanced wastewater treatment standards. The biosolids will be processed by a multi-stage treatment system which will produce a class AA fertilizer that can be used by the City and agricultural operations. This new facility means that the City will be ahead of upcoming regulatory compliance requirements. The City has taken a proactive approach when designing this facility to ensure that expected new compliance requirements will be addressed thereby reducing the future years expenses related to upgrading the older Fisher WWTF.*

*With the new facility being built, then new commercial and residential development along SR 415, Howland Blvd. and Doyle Road will be facilitated. These are the three primary roadway corridors thru the City whereby providing infrastructure, specifically sanitary sewer will encourage quality development.*

*With the progress of FDOT's 4-laned expansion and continued development of SR 415, the construction of the 11<sup>th</sup> Avenue access road to be finished in September of 2013 and the design, construction plans and permitting for the Eastern WRF being completed, Public Works issued a solicitation seeking qualified contractors to provide construction services in the building of this facility.*

*A bid was posted on Demandstar and went out to 1,824 Contractors. There were 164 planholders for this bid and six (6) responsive bids were received as follows:*

1. WPC Industrial Contractors - \$24,241,665.00
2. RTD Construction - \$25,517,080.00
3. Wharton-Smith – \$26,337,000.00
4. Adams Robinson - \$27,131,000.00
5. PCL Construction - \$27,872,235.00
6. Layne Heavy Civil - \$29,142,900.00

*WPC Industrial Contractors, the low bidder, has performed numerous projects of this size for other government entities. Reference checks have been completed and show that they have proven, positive, past experiences in the same size scope of work with these types of construction projects. They are a licensed General Contractor and authorized to do business in the State of Florida. Their bonding capacity was verified through their surety company and their financial statement has been reviewed and found to be sufficient in their ability to provide the resources necessary to complete this project.*

*With the implementation of a Capital Financing Plan, through a low interest loan from the State Revolving Fund (SRF) and the securing of \$500,000 to fund this project through the State of Florida Senate Bill 1500, with the efforts of State Representative David Santiago, WPC Industrial's low bid of \$24,241,665 is below the \$29,000,000 secured to fund this project.*

*Additionally, City Staff has identified a list of materials, equipment and components within the plans, drawings and specifications that can be bought directly from manufacturers and suppliers. In doing so, this would save the City a significant amount of dollars in not having to pay sales tax. The potential estimated savings to buy direct would be between \$500,000 and \$600,000.*

*The contract with WPC Industrial will be for a total time of 660 days. It is anticipated that this project will be completed by June of 2015. To ensure timeliness and prevent delays in the construction of the project, Staff is requesting that the Acting City Manager be granted the authority to approve any individual change order that may occur during the project, in an amount not to exceed 1% of the total contracted amount. Each change order approved in this manner will be promptly reported to the City Commission.*

*Administrators for the Florida State Revolving Fund (SRF) loan are currently evaluating all of the attached documents and will be issuing a statement of concurrency in the near future based on their review.*

**After discussion, the Commission voted unanimously to award Bid # PW 13-12 for the Construction of the Eastern Water Reclamation Facility to WPC Industrial Contractors, LLC at a total cost of 24,241,665.00. Authorized Purchasing Staff to use the City's tax exempt status and buy direct any materials, equipment and supplies needed for this project to eliminate paying sales tax and authorize the Acting City Manager, William "Dave" Denny, to**

approve change orders that may occur throughout the duration of the project, up to an aggregated amount of 10% of the total contracted amount.

**D. Discussion re: Acting City Manager's employment agreement.**

*At the Commission Workshop held on March 25, 2013 Mr. Denny passed out some information as it relates to his position as Acting City Manager and at the Regular Commission meeting held on April 1, 2013 he asked that if there were no objections from the Commission he would like to put the topic on the April 15, 2013 Commission meeting agenda. At the Commission meeting held April 15, 2013 the Commission approved the Acting City Manager compensation benefits package as outlined from April 1, 2013 through September 30, 2013.*

After discussion, the Commission voted unanimously to extend the current Acting City Manager's contract for 90 days and to place the discussion of the City Manager Selection process on the next available workshop.

**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.