

## AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING**  
**MONDAY, SEPTEMBER 16, 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 Nabicht - Father Frank Cerio, Our Lady of Lakes Catholic Church in Deltona.**
4. **APPROVAL OF MINUTES & AGENDA:**
  - A. **Approval of Minutes –Regular City Commission Meeting of September 3, 2013.**

[The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of September 3, 2013 as amended.](#)
  - B. **Additions or Deletions to Agenda.**
5. **PRESENTATIONS/AWARDS/REPORTS:**
  - A. **Proclamation – Florida Local Government Coalition – Local Works Day.**
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 selection of Code Enforcement Special Magistrate.**

*Resolution No. 2009-37 effective October 5, 2009, providing for Charles Cino as our Special Magistrate - the initial term of the appointment was for one (1) year - expired October 5, 2010. However, the Resolution called for additional one (1) year appointments at the direction of the City commission.*

**Approved by Consent Agenda – to appoint Charles Cino as the Special Magistrate at an hourly rate of \$175.00 for a one-year appointment.**

**\*B. Request for ratification of purchase of Business Tax Module from Tyler Technologies.**

*The Commission approved a total of \$105,000 in the 2012/2013 budget for conversion to Munis for Code, Business Tax and Permits. The Finance Department purchased and completed the conversion on the Business Tax Module. The total cost ended up being \$27,393.95 due to a change order that had to be done for adding the Central Property File software, support and training which was not included in Tyler's initial proposal. It was unknown at the time that this module would exceed \$25,000 thereby requiring Commission approval. In order to remain on target with implementation, a change order to the initial purchase order was done. This purchase is within budgeted funding for this project.*

**Approved by Consent Agenda – to approve the purchase of Tyler Technologies Business Tax module to include the change order of \$3,337 for the Central Property File, support and training bringing the total PO to \$27,393.95.**

**8. ORDINANCES AND PUBLIC HEARINGS:**

**A, Public Hearing - Resolution No. 2013-30, Adopting the Final Millage Rate for FY 2013/2014.**

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects a 4.80% increase from the rolled-back rate.
- Adopt the millage rate and budget by separate votes with the millage adopted first. The millage rate adopted cannot exceed the millage rate tentatively adopted.
- Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (7.6243), the percentage increase (4.8%), and the millage rate to be levied (7.9900) must be publicly announced.

After discussion, the Commission voted 6 to 1 (Commissioner Barnaby voted against the motion) to approve Resolution No. 2013-30, adopting the final millage rate of 7.9900 mills for the levy of ad valorem taxes for fiscal year 2013/2014.

**B. Public Hearing - Resolution No. 2013-31, Adopting the Final Annual Budget for FY 2013/2014.**

State law requires that the City hold a public hearing to adopt the final millage rate and budget.

At this hearing, the City will:

- First discuss the percentage increase or decrease in millage over the rolled-back rate. The millage rate reflects a 4.80% increase from the rolled-back rate.
- Adopt the millage rate and budget by separate votes with the millage adopted first. The millage rate adopted cannot exceed the millage rate tentatively adopted.
- Prior to adopting the millage-levy resolution, the name of the taxing authority (City of Deltona, Florida), the rolled-back rate (7.6243), the percentage increase (4.8%), and the millage rate to be levied (7.9900) must be publicly announced.

After discussion, the Commission voted 5 to 2 (Vice Mayor Denizac and Commissioner Barnaby voted against the motion) to approve Resolution No. 2013-31, adopting the final General Fund, Special Revenue Funds, Enterprise Fund, and Capital Project Funds budgets for fiscal year 2013/2014.

**C, 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.*

**After discussion, the Commission voted 6 to 1 (Vice Mayor Denizac voted against the motion) to approve Ordinance No. 12-2013 at first reading and to schedule second and final reading for October 7, 2013.**

**D. Public Hearing – Ordinance No. 13-2013, amendment to the Bella Vista Business Planned Unit Development (BPUD) Master Development Plan (MDP), at second and final 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 ±8.17 acres, and a ±1.11-acre outparcel and ±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. Also, the City Commission approved Ordinance No. 13-2013, at first reading, on September 3, 2013.*

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

**9. OLD BUSINESS:**

**10. NEW BUSINESS:**

**A. Request for approval of award of RFQ #PW13-14, for 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 standalone 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 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.*

*The ranking was based on the qualifications and experience of Baskerville-Donovan and the understanding of the project considering they are the Engineer of Record. Additionally, it should be noted that Baskerville-Donovan has teamed up with Quentin L. Hampton Associates, an engineering firm in Volusia County, for this project. Quentin L. Hampton have also has been involved with the design of the Eastern Water Reclamation Facility. The Baskerville-Donovan / Quentin L. Hampton team was seen by the Selection Committee as the best firm to provide the desired engineering skills to perform these services and ensure quality construction of the Eastern Water Reclamation Facility.*

*At the September 3, 2013 City of Deltona Commission meeting, the City Commission certified the ranking established by the Selection Committee and authorized staff to enter into negotiations with the top ranking firm, Baskerville-Donovan, Inc., to perform the services of CEI for this project.*

*As part of this contract, the Baskerville-Donovan / Quentin L. Hampton team will be providing full time, daily management and oversight of the construction of the Eastern Water Reclamation Facility. This shall include, but is not limited to general construction engineering, shop drawing reviews, construction and architectural inspection services, sampling and testing, utility coordination, final inspections and start up certification. The duration of the contract will be for 750 days.*

*A breakdown of the tasks to be performed can be found within their pricing proposal. This pricing proposal was based on hourly rates for the entire duration of the contract. Staff have reviewed and analyzed their proposal and found that their proposed pricing is well within the average of other engineering firms as compared to other current engineering contracts for the same type of service. The total proposed price is 6% of the General Contractors bidded price to construct the Eastern WRF. Typically, the costs associated with CEI services are 5% to 10% of a General Contractors awarded contract to perform construction services. The Baskerville-Donovan proposal is well below the 8.5% cap established by the State Revolving Fund (SRF) loan agreement between the State of Florida and the City of Deltona.*

**After discussion, the Commission voted unanimously to approve award of RFQ # PW 13-14 for Construction Engineering and Inspection (CEI) Services for the construction of the Eastern Water Reclamation Facility to Baskerville-Donovan, Inc. at a total cost not to exceed \$1,450,239.00.**

- 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.