

AFTER ACTION AGENDA

REGULAR CITY COMMISSION MEETING
MONDAY, DECEMBER 16, 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 Schleicher – Reverend Caroline Shine from the Greater Faith AME Church.
4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes - Regular City Commission Meeting of November 18, 2013.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of November 18, 2013.
 - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation - Super Star Student of the Month Certificates for November, 2013.
 - B. Presentation - Deltona triathlete Eric Graveling.
 - C. Presentation - Traveling Trophy from the American Lung Association's Fight for Air Climb - 1st Place - Overall Firefighter Award for Best Times and Highest Fundraising 2013.
 - D. Presentation of Certificates of Recognition and Thanks, to the student artists who created the "Think Before You Throw"

posters, to help spread the awareness of keeping Deltona clean.

**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 to purchase radios piggybacking Volusia County's Agreement with Communications International.**

The Commission approved \$200,000 in the budget for replacement radios. This project is a multi-year project with initial estimate at approximately \$1,000,000 over five years. The Project 25 or P25 Initiative is a federally-mandated conversion of conventional analog Public Safety radios to a digital platform to permit interoperability between responders, even if responders are working with different radio system/manufacturers, to permit better/seamless on-scene communications at multi-jurisdictional incidents. The P25 conversion is mandated by no later than 2017, however many of the City's radios will no longer be supported by the vendor after 2015 and parts will become scarce. This is a proactive approach to phasing in replacement of the entire radio fleet over a 4-5 year time frame and encompasses all City departments that utilize radios.

Volusia County has a Master Agreement with Communications International, the provider of the radios. The agreement is attached.

Approved by Consent Agenda – to approve piggybacking the Master Agreement between Volusia County and Communications International for the purchase of radios and related equipment at a cost of \$160,258.17.

- *B. **Request for approval to award Bid # PW14-01, Doyle Road 16" Water Main Improvements.**

This project will provide for the construction of a new 16" water main along Doyle Road. The water main will run from approximately the Doyle Road intersection at SR415 to the Courtland Blvd. and Doyle Road intersection. It is about 1.5 miles in length and will provide a connection between the existing water mains in order to "loop" the distribution system. This looping will allow enhanced water circulation, provide fire protection, and water service availability in this

development corridor. The project is in the 2013/2014 CIP budget and will be completed in the FY2013/2014 budget year.

The bid was solicited on Demandstar and was sent to 982 vendors. There were 61 planholders for this bid with the following 6 responsive bids being received:

- 1. Hazen Construction: \$824,774.00*
- 2. Masci Corporation: \$891,782.90*
- 3. Andrew Sitework: \$917,318.00*
- 4. McMahan Construction: \$969,255.00*
- 5. Young's Communications: \$998,068.00*
- 6. TB Landmark: \$1,044,962.00*

The low bidder, Hazen Construction, LLC, 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-14-01 for the Doyle Road 16" Water Main Improvements Project to Hazen Construction, LLC at a total cost of \$824,774.00.

- *C. Request for approval of budget amendment to replace the old LED welcome signs, located at Howland and Saxon Boulevards.**

The two LED welcome signs, located at the entrances to the City, ceased to function (update messages), and are not repairable, due to the age of the hardware (not serviced or manufactured any longer). The only option is to replace the old sign hardware and software with current technology. An RFP resulted in two submittals. After a review of the vendor proposals (Don Bell Signs, Stewart Signs), it was decided to select Stewart Signs, based on costs and information provided in the proposal.

A Budget Amendment of \$18,000.00 is requested to cover the cost of replacing the old LED welcome signs. Originally, funds were not budgeted in the 2013/2014 Fiscal Year. The source of the funding will be from General Fund budgetary fund balance.

Approved by Consent Agenda – to approve the budget amendment in the amount of \$18,000.00 to replace the old LED welcome signs, and award the bid for services to Stewart Signs.

- *D. Request for approval to submittal the Program Year (PY) 2012/2013 CDBG Consolidated Annual Performance and Evaluation Report (CAPER).**

The CAPER is a summary of the accomplishments achieved under Title 24 of the Federally-funded Community Development Block Grant (CDBG) program that 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 the U.S. Department of Housing and Urban Development (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, parks, 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 2008-2013 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 2012/2013 CAPER to HUD on or before December 31, 2013.

Approved by Consent Agenda - to approve the request to submit the Program Year 2012/2013 CDBG CAPER to HUD, as required by regulation.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Resolution No. 2013-34, Proposed Vacation of the 2nd Addition to the Carnell Subdivision Plat.

The 2nd Addition to the Carnell subdivision was recorded with Volusia County in 1926. The subdivision included 50'x150' and 25'x150' lots within blocks that would have been accessed by a grid network of roadways and alleys. The property was annexed into the City in 2004 as part of Ordinance No. 2004-37.

In 2006, the City changed the land use on the property from County Urban Low Intensity to City Commercial. The City also vacated the platted rights-of-ways and alleys associated with various blocks and lots of the 2nd Addition to Carnell under Section 58-34, City Code of Ordinances. However, the platted lots were not vacated as part of that action. As part of the 2006 rights-of-way vacation, the City entered into an agreement with the applicant (Pell), recognizing the fact that the City was granting approximately 9.63 acres of land to the applicant through the

rights-of-way vacation. A main goal of the agreement was to facilitate the ability for the City to recapture rights-of-way or easements on the site at no cost to the City, as long as the total area of rights-of-way or easements did not exceed 9.63 acres.

On October 2, 2013, the City received an application to vacate the remainder of land within the 2nd addition to Carnell subdivision. There are plans to develop the property for commercial use and vacating the blocks and lots of the plat is a prerequisite before the property can be re-platted and site plans approved. The proposed commercial development of the property creates a condition where cross-access is needed to be established before commercial parcels are created. Therefore, consistent with the 2006 Developer's Agreement, the applicant has determined appropriate cross-access locations, widths, and land areas in keeping with that agreement.

After discussion, the Commission voted unanimously to approve Resolution No. 2013-34 that vacates the following: All lots within block 203; all lots within block 204; all lots within block 205, except lots 12-18; all lots in block 206, including unnumbered lot east of lot 12 lying west of SR 415; all lots within block 501 lying west of SR 415; all lots within block 403; all lots in block 601 lying west of SR 415; all lots in block 404, except lots 8-11; and all lots in block 500 lying west of SR 415 of the 2nd Addition to Carnell Subdivision, PB 10, PG 128.

B. Resolution No. 2013-35, approving the sale of vacant City land located near the corner of Saxon Boulevard and Finland Drive.

The Commission meeting held on November 4, 2013 the City Commission considered and approved the vacant land contract for Sale of Property located at the corner of Saxon Boulevard and Finland Drive.

The contract is for the purchase of some City property that is generally located at the corner of Saxon Boulevard and Finland Drive. It does not have road frontage and is generally a depression in the land that ends up receiving drainage from surrounding properties. A condition of the contract is that the owner mows it quarterly to the satisfaction of the city so that it can continue to function for drainage purposes. It was appraised for \$10,000, which is the amount of the purchase contract. It is anticipated that the property will be used with other surrounding land for a future RaceTrac. Once the property is developed, the development will be responsible for handling the drainage that currently flows into this property.

After discussion, the Commission voted unanimously to approve Resolution No. 2013-35, approving the sale of vacant City land located near the corner of Saxon Boulevard and Finland Drive.

9. OLD BUSINESS:

10. NEW BUSINESS:

A. Consideration of appointment of one (1) member to the Firefighters' Pension Plan, Board of Trustees.

Firefighter Pension Board member Darien LaBoy has expressed that she would be resigning from the board as soon as the City appointed a replacement for the remainder of the term to expire on January 15, 2017.

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 new application(s) from:

- *Steven W. Blake*
- *Ruben Colon*
- *Gene Gizzi*

After discussion, the Commission voted unanimously to confirm the appointment of Gene Gizzi to the Firefighters' Pension Plan, Board of Trustees for the remainder of a term to expire on January 15, 2017.

B. Consideration of appointment of seven (7) members to the Parks & Recreation Advisory Committee.

The Parks and Recreation Advisory Committee's terms expire on December 31, 2013. All seven (7) members wish to be re-appointed with the exception of Susan Armon. The current members of the Committee who wish to be re-appointed are:

- *James Wayne Ruth (Mayor)*
- *Nathan D. Johnson (Commissioner Barnaby)*
- *Kay L. Gardner (Vice Mayor Herzberg)*
- *Julio De Leon (Commissioner Schleicher)*
- *Lonnie Wilson (Commissioner Lowry)*
- *Bernice Ludvick (Commissioner Nabicht)*

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 new application(s) from:

- *Benjamin C. Bove*
- *Krista Ferguson*
- *Penny Musick*
- *Deborah Soto*

After discussion, the Commission voted unanimously to confirm the appointment or re-appointment of the following individuals James Wayne Ruth, Nathan D. Johnson, Kay L. Gardner, Julio DeLeon, Lonnie Wilson, Bernice Ludvick and Krista Ferguson to the Parks and Recreation Advisory Committee for a term to expire on December 31, 2014.

C. Request for consideration from Alex Hoffman for a reduction of fine from \$10,000.00 assessed pursuant to Special Magistrate Case DEL-08-092.

An order Imposing Fine/Lien was entered on June 25, 2008, by the City of Deltona Special Magistrate, ordering Alex Hoffman to pay to the City of Deltona a fine in the amount of one hundred dollars (\$100.00) per day beginning June 26, 2008, for each and every day the violations exist and continues to exist or until a cap of \$10,000.00 is reached. The violation occurred when the respondent failed to obtain a building permit for enclosing a carport at the home located at 1223 Whitewood Drive. The total accumulated amount due is \$10,000.00. On November 26, 2013 Alex Hoffman 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 5 to 2 (with Commissioner Nabicht and Commissioner Schleicher voting against the motion) to grant the request of Alex Hoffman for a reduction of the fine concerning Case No. DEL-08-092 for the property located at 1223 Whitewood Drive, Deltona, Florida, to the sum of \$500.00 to be paid within 30 days (January 16, 2014) or the fine reverts back to the original amount.

D. Request for approval of Mr. Denny's proposed 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 on April 15, 2013 the Commission approved the Acting City Manager compensation benefits package as outlined from April 1, 2013 through September 30, 2013.

At the Regular Commission meeting on September 3, 2013 the Commission extended 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. At the Workshop held on October 18, 2013 the Commission concurred to offer Mr. Denny a six (6) month contract as Deltona's City Manager on the December 16, 2013 agenda, with a term to run for a six (6) month period effective December 29, 2013.

At the Workshop held on November 25, 2013 the Acting City Manager tendered his resignation effective December 31, 2013 at which time the Commission asked that the Acting City Manager take a few days to have individual meetings with each Commissioner to discuss his decision to resign.

After discussion, the Commission voted 6 to 1 (with Commissioner Barnaby voting against the motion) to approve the City Manager employment agreement as presented.

- 11. CITY ATTORNEY COMMENTS:**
- 12. CITY MANAGER COMMENTS:**
- 13. CITY COMMISSION 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.