

AFTER ACTION AGENDA

**REGULAR CITY COMMISSION MEETING
TUESDAY, MAY 19, 2014
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 Mayor Masiarczyk.
 4. APPROVAL OF MINUTES & AGENDA:
 - A. Approval of Minutes - Regular City Commission Meeting of May 5, 2014.

The Commission voted unanimously to approve the minutes of the Regular City Commission Meeting of May 5, 2014.
 - B. Additions or Deletions to Agenda.

City Manager requested to pull Item 10-A and to place the item on a workshop.
- PRESENTATIONS/AWARDS/REPORTS:**
- A. Progress Report on the construction of the Eastern Water Reclamation Facility.
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:** None.

8. **ORDINANCES AND PUBLIC HEARINGS:**

A. **Public Hearing - Resolution No. 2014-03, Vacation of certain lots and rights-of-way in the Davis Park 3rd Addition Subdivision MB 18, Page 117.**

The Davis Park 3rd Addition subdivision was recorded in the official records of Volusia County on December 20, 1924. The subdivision was designed on a grid pattern with 60-ft. wide rights-of-way (ROW) accessing lots that are mostly 25-ft. wide. While the subdivision was recorded and lots sold over the years, no streets or other infrastructure was built and no dwelling units constructed. Davis Park 3rd Addition is one of a number of antiquated subdivisions in the City that are often referred to as 'paper' plats.

An application has been made with the City that is consistent with Section 106-32 of the Code of Ordinances, to vacate several lots and certain ROW within the Davis Park 3rd Addition subdivision. The applicant has assembled several lots to create a more unified ownership and the requested vacation will unify the property to facilitate the ability to develop the property. The above requested ROW vacation also involves approximately two (2) acres of public land that would be granted to the applicant if the resolution is approved by the City.

Criteria with regard to ROW vacation is that the action does not result in an owner being deprived of access to their site. A review shows that one ROW segment proposed for vacation is not owned by the applicant and would be without access. Also, the legal description provided does not clearly indicate that the Graves Avenue extension is excluded from the vacation request. Finally, there is a portion of the proposed ROW vacation that extends along a tier of lots not owned by the applicant. A ROW that is vacated is typically split at 50% of the ROW area, centered on the centerline, with each party having right to half of the proposed vacated area. These conditions led to the attached recommendations on what lots and ROW should be vacated for legal purposes, listed on Exhibit A, Background Information.

After discussion, the Commission voted unanimously to adopt Resolution No. 2014-03, vacating certain lots and rights-of-way associated with the Davis Park 3rd Addition Subdivision, as described.

B. Public Hearing - Resolution No. 2014-04, proposed vacation of certain lots and rights-of-way associated with the Davis Park 5th Addition Subdivision, MB 18, PG 147.

The Davis Park 5th Addition subdivision was recorded in the official records of Volusia County on February 16, 1925. The subdivision is in a grid pattern with 60-ft. wide rights-of-way (ROW) accessing 25-ft. wide lots. The subdivision was recorded, lots sold, no streets or other infrastructure built, and no dwellings were constructed. Davis Park 5th Addition is one of a number of antiquated subdivisions in the City that are often referred to as 'paper' plats.

An application has been made that is consistent with Section 106-32 of the Code of Ordinances to vacate a number of lots and certain ROW within the Davis Park 5th Addition subdivision. The applicant has been assembling lots to create more unified ownership within the subdivision and the requested vacation will unify the property to facilitate development.

The above requested ROW vacation involves approximately nine (9) acres of public land that would be granted to the applicant if the resolution is approved. Criteria with regard to the vacation of ROW is that the action does not result in an owner being deprived of access. The applicant owns almost all of the Davis Park 5th Addition subdivision, with the exception of Lots 1 through 5, Block 3. In review of the vacation request, if approved by the City, Lots 1 through 5, Block 3, would be deprived of access. To provide access for Lots 1 through 5, Block 3, Davis Park 5th Addition, the applicant has committed to providing the following described easement, which is which is satisfactory to the City:

The City shall retain an easement for ingress and egress over that portion of Persimmon Street (Segment of Persimmon Street lying south of Lot 44, Block 2 and Lot 5, Block 3, Davis Park 5th Addition) until such time a plat is recorded that provides alternative access to Lots 1 through 5, Block 3, Davis Park 5th.

A portion of Walter Avenue that is proposed to be vacated extends along property not owned by the applicant: Lots 1 through 5 Block 3 Davis Park 5th Addition. ROW that is vacated is typically shared in equal proportion amongst abutting landowners within the plat, assuming the landowners are party to the plat vacation application. Since there is only one applicant, the segment of Walter Avenue along the frontage of land not owned by the applicant should not be vacated.

After discussion, the Commission voted unanimously to adopt Resolution No. 2014-04, vacating certain lots and rights-of-way associated with the Davis Park 5th Addition subdivision, as described.

C. Public Hearing - Resolution No. 2014-05, proposed vacation of certain lots and rights-of-way associated with the Yourlando Farms and Groves Subdivision, MB 10, PGS 227 through 228.

The Yourlando Farms and Groves (Groves) subdivision was recorded in the official records of Volusia County on April 8, 1926. The subdivision was designed to feature small five (5) acre farm sites. The subdivision was recorded and lots sold, no streets or other infrastructure were built, and no dwelling units were constructed. The Groves is one of a number of antiquated subdivisions in the City that are often referred to as 'paper' plats.

The application is consistent with Section 106-32 of the Code of Ordinances to vacate lots and certain ROW within the Groves subdivision. The applicant has assembled lots to create more unified ownership within the subdivision and the requested vacation will unify the property that facilitates development. The above requested ROW vacation involves approximately 4.5-acres of public land that would be granted to the applicant if the resolution is approved.

After discussion, the Commission voted unanimously to adopt Resolution No. 2014-05, vacating certain lots and rights-of-way associated with the Yourlando Farms and Groves subdivision, as described."

9. OLD BUSINESS: None.

10. NEW BUSINESS:

A. Request for approval to authorize Staff, the City's Financial Advisor, and Financing Team to move forward with the advance refunding of its outstanding Transportation Capital Improvement Revenue Bonds, Series 2006. The refunding bonds will provide for additional transportation proceeds while keeping annual debt service payments at the current level.

Back in June of 2006, the City issued their outstanding Transportation Capital Improvement Revenue bonds, Series 2006 in the original principal amount of \$18,240,000. The Series 2006 Bonds were used to fund transportation projects within the City. The Series 2006 Bonds are currently outstanding in the aggregate principal amount of \$13,775,000 with interest rates ranging from 4.00% to 5.125% and mature annually each October 1st through 2026. The Series 2006 Bonds are currently callable on October 1, 2016 at par. The City's Financial Advisor, FirstSouthwest, has indicated because of the current low interest rate environment the Series 2006 Bonds have become attractive refunding candidates to raise additional capital.

Based on market conditions as of April 16, 2014, the refunding analysis provided the opportunity for the City to save approximately \$500,000 in present value saving by refunding the Series 2006 Bonds. In addition, FirstSouthwest provided

a scenario that would (1) extend the final maturity from 2026 to 2044, (2) keep annual debt service at its current levels (\$1,460,000), and (3) cash in the existing debt service reserve. The City would receive approximately \$11 million in additional new money for transportation projects.

Item was pulled from the agenda by the City Manager.

B. Request for approval of Lake Baton Estates Use Agreement for Meadowlark Drive.

Following City Commission acceptance of a dedicated Meadowlark Drive right-of-way (ROW) on October 7, 2013, D.R. Horton, Inc., requested approval a Use Agreement (Agreement) that includes this ROW. The parties to this Agreement are the City of Deltona, D.R. Horton, and the Lake Baton Estates Homeowner's Association (HOA). The purpose of this Agreement is to enable D.R. Horton to install additional landscaping, irrigation, and other improvements relating to pedestrian and traffic safety, in order to enhance the aesthetics of the Lake Baton Estates subdivision western entrance and, more importantly, to ensure that these features are designed in a manner that affords safe passage for both vehicles and pedestrians. Direct access to Spirit Elementary School is also provided from Meadowlark Drive along much of the ROW's western boundary.

These improvements will serve multiple benefits for a range of public and private stakeholder and will also enhance the attractiveness of the area, while appropriately addressing need to provide safe access and movement for those who walk or travel to from and within this ROW.

The Agreement cites that D.R. Horton will be initially responsible for maintaining the landscape features and, once control of Lake Baton Estates is transferred to the HOA, the maintenance will become the responsibility of the HOA. This document includes certain exhibits that graphically depict the proposed improvements that have been reviewed and deemed acceptable by the City and Volusia County School Board staff. Per this Agreement, maintenance for the ROW will not be the responsibility of the City's and there will not be an impact to the General Fund.

After discussion, the Commission voted unanimously to approve the Lake Baton Estates Use Agreement for Meadowlark Drive, as provided.

C. Consideration of appointment of seven (7) members to the William S. Harvey Deltona Scholarship Advisory Board.

The terms of all seven (7) members of the William S. Harvey Deltona Scholarship Advisory Board will expire on May 31, 2014. All of the current members have expressed that they wish to be re-appointed to this Board.

The City has run press releases, posted the openings on D-TV, the City's web page and bulletin boards. To date the City has received applications from the following individuals: None.

After discussion, the Commission voted unanimously to confirm all Commission member's re-appointments with a term to expire on May 31, 2015 to the William S. Harvey Deltona Scholarship Advisory Board.

D. Consideration of appointment of seven (7) members to the Economic Development Advisory Board.

The terms of all seven (7) of the current members of the Deltona Economic Development Advisory Board expire May 31, 2014. All current members, with the exception of Bernard Jones and Carlos Valderrama have expressed that they wish to be re-appointed to this Board.

The City has run press releases, posted the opening on D-TV and the City's web page, the City's web page and on bulletin boards. To date the City has received applications from the following individuals: Eric Alexander; Jean Armstrong; Linda Bauer; Jason DiNunno; John Enyart; Raphael Gomez; Maribel Montanez; Debbie Soto; Beverly Spitz; Steven Sukow II; and Richard Williams.

After discussion, the Commission voted unanimously to confirm the Commission member's appointments of Jean Armstrong and Beverly Spitz, and re-appointments of current board members Tanya Boggs, Roy Brady, Joe Cerrato, Rick Demeter, and George Voll with a term to expire on May 31, 2015 to the Deltona Economic Development Advisory Board.

11. CITY ATTORNEY COMMENTS:

12. CITY MANAGER COMMENTS:

A. Lobbyist Update.

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.