

## AFTER ACTION AGENDA REPORT

**REGULAR CITY COMMISSION MEETING  
MONDAY, NOVEMBER 16, 2009  
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. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:
  - A. Minutes:

Regular City Commission Meeting – November 2, 2009.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of November 2, 2009 as presented.
  - B. Additions or Deletions to Agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
  - A. Presentation – Superstar Student of the Month Certificates – October, 2009.
  - B. Proclamation – Recognizing the 30<sup>th</sup> Anniversary of Mike Accardi Sons of Italy, Lodge #2241.
  - C. Proclamation – Supporting the goals and ideas for the 2010 Census.
  - D. Presentations in recognition of Dr. Lester Levine’s service to the Deltona Community.

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.  
(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:**

Commissioner Zischkau asked to remove Item Nos. 7-A, 7-C, 7-D, 7-E and 7-H from the Consent Agenda. After discussion, motion by Commissioner McFall-Conte , seconded by Vice Mayor Carmolingo to approve Consent items 7-B, 7-F and 7-G.

- A. Request for approval to piggyback Florida Sheriffs Association contract with Duval Ford for a 2009 F350 One Ton Extended Crew Cab – Stormwater Division.**

*The Stormwater Division is requesting approval to award the purchase of a 2009 F350 1 Ton Extended Crew Cab. The current vehicle # 0220 has over 110,000 miles and has reached the end of its service life. By purchasing an extended cab, the need for several vehicles to transport employees will no longer exist.*

*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 #08-16-0908, which was solicited, approved and awarded by the Florida Sheriff's & Florida Association of Counties on October 1, 2008.*

After discussion, the Commission voted unanimously to approve award to Duval Ford at a total cost not to exceed \$31,653.00 in accordance with the Florida Sheriff's & Florida Association of Counties contract #08-16-0908 for the purchase of one F350 One-ton Extended Crew Cab Pick-up Truck.

- \*B. Request for approval to piggyback Florida Sheriffs Association contract with Ring Power Corporation for a Caterpillar 307D Mini Hydraulic Excavator – Stormwater Division.**

*The Stormwater Division is requesting approval to award the purchase of a Caterpillar 307D Mini Hydraulic Excavator. The Excavator will replace the John Deere Backhoe 9722. The current equipment is over 13 years old and has reached the end of its service life. The Stormwater Division has had to rent equipment due to the integrity of the current John Deere. The equipment is outdated and cannot*

*perform as it used to. This item is being traded in for an additional cost savings of \$12,000.*

*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 #09-17-0908, which was solicited, approved and awarded by the Florida Sheriff's & Florida Association of Counties on October 1, 2008.*

**Approved by Consent Agenda - to approve award to Ring Power Corporation at a total cost not to exceed \$79,114.00 in accordance with the Florida Sheriff's & Florida Association of Counties contract #09-17-0908 for a Caterpillar 307D Mini Hydraulic Excavator.**

**C. Request for approval of Engineering Services for Drysdale Chapel Flood Control, Utility Adjustment, Review and Modification of Construction Documents and Construction Administration Services.**

*This project has been designed and had a permit issued by the SJRWMD since May of 2006. Due to a lack of funding in previous years, the construction of the project was not able to be conducted. At this time we are requesting the use of Tetra Tech to handle the project as part of our continuing engineering services. This project consists of two main portions that will provide flood relief for an area that flooded during the storms of 2003 and 2004.*

*This project involves connecting the Drysdale Drainage Retention Area (DRA) to a series of other DRA's with pump stations and a gravity storm sewer system from the DRA at Dixie Bell to Chapel Drive. There are currently AC water mains used by Deltona Water that conflict with areas of the project. In order for the pump stations and storm piping systems to be installed the water lines will have to be relocated. There is a large benefit from relocating the water mains in the area as well. The current water mains in the area are AC pipes which will be replaced by a more reliable type of piping.*

*Tetra Tech will be handling all aspects of this project to include the design of the water main relocations and the required permitting, the review and modification of construction documents, as well as provide construction administrative services for both the storm water and water main relocations.*

**After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve the purchase of Engineering Services related to the Drysdale Chapel Flood Control, Utility Adjustment, Review and Modification of Construction Documents and Construction Administration Services from Tetra Tech, Inc., not to exceed \$119,563.00.**

**D. Request for approval of Facility Lease Agreement – First Pentecostal Church in God in Christ.**

*First Pentecostal Church is a Florida non-profit religious organization who maintains a Long Term Facility Use Agreement with the City of Deltona.*

*First Pentecostal accesses the Conference Room at the Harris Saxon Community Center located at 2329 California Street, Deltona, on Sundays from 8:30 a.m. to 10:30 p.m. This organization will be responsible to pay a Category II Facility Use Fee rate of \$15.00 per hour, less 20%.*

*First Pentecostal has met the criteria required for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year renewal of the Facility Use Agreement with this organization.*

**After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve the renewal of the Facility Use Agreement with First Pentecostal Church for use of the Main Hall at the Harris Saxon Community Center located at 2329 California Street, Deltona, FL for a period of one (1) year, effective November 16, 2009 through November 15, 2010, at the Category II rate of \$15.00 per hour, less 20%. Renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.**

**E. Request for approval to purchase Flame-Sim Fire Command Simulation Training System.**

*The Fire Department is requesting to purchase the Flame-Sim Fire Command Simulation Training System. This system allows firefighters to train in fire ground incident command techniques including: communications, critical decision-making skills and situationally-based procedures in a dynamic and contextual environment. Firefighters can be safely trained in department-specific procedures for size-up, resource allocation, emergency evacuation, mayday (trapped/lost firefighter) operations, mass casualty incident management and many more situations involving multiple users and a constantly changing environment.*

*Florida law and federal mandates require emergency personnel to train in incident management techniques. This training complies with the federally-mandated Incident Command System (ICS) and National Incident Management System (NIMS) . Most of these programs are either static computer-based or classroom lecture type programs. This system will better prepare firefighters, Company Officers and Command Staff to handle fire and emergency services incident scenes utilizing a dynamic, computer-based simulation training program. Although personnel are experienced and well-versed in "routine" fires and emergency medical incidents, more complex incidents can present challenges and only experienced when the incident occurs. This interactive software allows personnel to train in these potentially challenging and complex scenarios through*

*realistic and dynamic computer-based scenarios. Personnel can train at remote locations via this software and training program while remaining in their first due response areas.*

After discussion, the Commission voted unanimously to approve the sole source purchase of Flame-Sim Simulation Training software for use by the City's Fire Department at a cost of \$33,657.80.

**\* F. Request for approval of Sole Source service from Shelley's Environmental Services.**

*The Deltona Water Department has utilized Shelley's Environmental Services for the labor and equipment necessary to remove, treat and land apply the biosolids from the City of Deltona wastewater treatment facility. The City's wastewater treatment facility is not designed to produce Class B biosolids in accordance with USEPA 40 CFR Section 503, Florida Statute 403 and Chapter 62-640. F.A.C. Shelley's Environmental Services relieved the City of any and all liability related to the proper disposal of City produced biosolids, as the City biosolids are treated at the Shelley's Environmental Services facility to a Class B biosolids with proper disposal. Shelley's Environmental Services is listed as the responsible vendor for the disposal of the biosolids on the City's DEP permit, section II.*

*The previous terms within the agreement with Shelley's Environmental Services has expired.*

Approved by Consent Agenda - to make award to Shelley's Environmental Services for an initial period from October 1, 2009 through September 30, 2010 at a cost of \$400,000, renewable annually if funding is appropriated.

**\* G. Request for approval of the Facility Use Agreement Renewal for Stetson Futbol.**

*Stetson Futbol (SF) has maintained a Facility Use Agreement with the City of Deltona as having assisted with the grant solicitation and subsequent funding of the Dewey O. Boster Sports Complex. SF is a Florida non-profit corporation conducting youth soccer activities in Volusia County.*

*SF accesses the soccer fields at the Dewey O. Boster Sports Complex located at 1236 Saxon Blvd., Deltona. This organization will be responsible to submit a written schedule and attend a Facility Allocation meeting as a condition of use. SF has met the criteria requirements for a Facility Use Agreement with the City.*

*This is a twelve (12) month Facility Use Agreement, with an opportunity for five (5) one year renewal periods.*

Approved by Consent Agenda - to approve the renewal of the Facility Use Agreement with Stetson Futbol for use of the Dewey O. Boster Sports Complex located at 1236 Saxon Blvd., Deltona, FL for a period of one (1) year, effective October 1, 2009 through September 30, 2010. Renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.

**H. Request for Approval of FY 08/09 Final Budget Amendment/Transfer.**

*As part of the fiscal year end process, it is standard practice to process a year end budget amendment to "true up" department and fund budgets so that no department or fund reflects an over-budget situation in the City's CAFR. This amendment nets to zero and does NOT reflect an increase in total General Fund appropriations for FY 08/09. Staff is requesting a final year end budget amendment for the General Fund in the amount of \$80,000. This adjustment represents a transfer of dollars between departments only and reflects no increase in total General Fund appropriations for FY 08/09. In the General Fund there were three departments that ended the fiscal year over budget. The City Attorney's Department ended the year over budget by just under \$25,000 due to the termination of the City Attorney and resulting use of out-sourced legal counsel. The Law Enforcement Department ended the year over budget by approximately \$30,000. This is a result of not having budgeted for "in-kind" services that were donated to local non-profit groups as well as a replacement A/C unit at the Sheriff's office. Public Works – Engineering ended the year over budget by just under \$25,000. This was the result of having transferred an employee at the beginning of the budget year but not moving the associated payroll dollars. Staff is also requesting a capital budget carry forward amendment of \$180,000 in the Capital Equipment Fund. This amendment represents vehicles that were budgeted and purchased in FY 07/08 but were not received, and therefore not expensed, until FY 08/09. This amendment does represent an increase in total Capital Equipment Fund appropriations for FY 08/09 but these funds were previously appropriated but not spent in FY 07/08.*

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve FY 08/09 final year end General Fund budget transfer in the amount of \$80,000 representing no change in total General Fund appropriations; and to approve FY 08/09 final year end Capital Equipment Fund budget amendment in the amount of \$180,000 for costs associated with vehicles budgeted in prior fiscal year but not received until FY 08/09.

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

- A. Public Hearing – Ordinance No. 22-2009, Amending Section 74-58, "Utility Location Standards" of Article III, "Use Permit", of Chapter 74, "Administration" of the City's Land Development Code, by striking that portion which prohibits the installation of mailboxes and newspaper delivery**

**boxes on streets designated on the Thoroughfare Map, for first reading.**

*The City of Deltona entered into Ordinance No. 01-2009 with the understanding that the following was important to the residents of Deltona:*

- 1. Improved traffic safety;*
- 2. Improved traffic flow;*
- 3. Increased energy efficiency;*
- 4. Improve the efficiency of the City's roadway maintenance; and*
- 5. Improve the appearance of neighborhoods for beautification.*

*It was understood at the time of adoption that the City and the United States Post Office (USPO) staff would coordinate to ensure that the location of Central Box Units (CBUs) would replace individual mailboxes along listed thoroughfares within the City's Comprehensive Plan. The City Commission also understood that replacement of individual mailboxes at curbside delivery would not result in an inconvenience to retrieve mail or in a safety issue for Deltona residents.*

*On April 6, 2009, the City Commission approved for first reading Ordinance No. 01-2009 and adopted Ordinance No. 01-2009, on April 20, 2009. Since that time, there have been continued concerns by residents that mail service has become an inconvenience and safety issue. The City adopted Resolution No. 2009-34 on September 21, 2009, expressing concern that Ordinance No. 01-2009 was not being adhered to and that CBUs were not placed to maximize the safety and convenience of Deltona residents.*

*Since September 21, 2009, City staff has conducted research and met with the USPO staff to determine a solution. This includes enough advanced planning on the part of the USPO to identify the most strategic location of CBUs on the same side of the road that the resident lives to receive mail, a master plan per corridor that shows the units being served by each CBU prior to removal of individual mailboxes, and assurance by the USPO that the CBUs are available at time of replacement.*

*In light of the fact that the City cannot control the above listed process, the best course of action for the City is to repeal Ordinance No. 01-2009 and to continue to work with the USPO to ensure that safe and convenient mail retrieval for each resident is paramount.*

**After discussion, the Commission voted unanimously to adopt Ordinance No. 22-2009, repealing Ordinance No. 01-2009, to amend Section 74-58(g), Utility Location Standards, that prohibited the installation of mail boxes and newspaper delivery boxes within the rights-of-way of all streets designated on the Thoroughfare Map of the Deltona Comprehensive Plan, at first reading;**

and to schedule second and final reading for December 14, 2009.

**9. OLD BUSINESS:**

**A. Discussion re: funds requested for proposed four (4) lane improvement of SR 415.**

*As you are aware, the four (4) lane improvement of SR 415 from Acorn Lake Road to Reed Ellis Road in the area bordering Deltona and Osteen has been ranked by the Metropolitan Planning Organization (MPO) as the number one priority for several years. In the past, notwithstanding the priority ranking, funding for SR 415 improvements have been deferred or allocated elsewhere. The total cost of this project is approximately \$54 million. The funding for this project includes a County Incentive Grant Program (CIGP), and the CIGP requires a local match of \$4,424,779. The City's share is now \$2,212,389.50 per the latest information from the Volusia County MPO and the funds would be due in July of 2013 when SR 415 improvement activity is scheduled to commence. The Volusia County MPO originally asked for a commitment letter from the City and County concerning the CIGP grant match by November 13, 2009. At the November 9th Commission workshop, the Commission directed staff to include this matter for further direction at the November 16th Regular City Commission meeting.*

*As indicated previously by Mr. Karl Welzenbach, Executive Director of the Volusia County MPO, the \$2.2 million requested match from the City is the worst case scenario as there is a possibility that the grant amount could be reduced by money from the State District Dedicated Revenue (DDR) program. According to MPO staff, the status of DDR funds is not known and there is a possibility that DDR funds may become available in future funding cycles before improvements to SR 415 are programmed to begin (July 2013). According to Mr. Welzenbach, if the City does not agree to this commitment then FDOT must withdraw the project from the work program and this area will more than likely lose the funds and the project. Mr. Welzenbach also indicated that the deadline for our decision has been extended to November 16, 2009.*

*The Acting City Attorney has indicated that his office would prepare a draft Resolution outlining specifics related to the City's share of this funding in the event the Commission approves the requested funding. This Resolution was not available at the time the agenda packets were compiled, but it will be provided to the Commission as soon as it is received.*

*Staff believes that short-term bank financing for these funds is not feasible due to no new recurring stream being available to allocate for debt service payments. If the Commission approves this request with the funds to come from the General Fund reserves, the full amount would be shown as designated, rather than undesignated, within our Fund Reserve account.*

After discussion, the Commission voted 1 to 6 (Commissioner Denizac, Commissioner Deyette, Commissioner McFall-Conte, Commissioner Treusch, Vice Mayor Carmolingo and Mayor Mulder voted against the motion) to approve commitment of the \$2,212,289.50 maximum for the City's capital contribution toward the widening of S.R. 415 and direct staff to come back to the Commission later with their plans on how to raise this money when the City of Deltona needs to pay it three (3) years from now. MOTION FAILED.

**B. Request for approval of the Neighborhood Stabilization Program budget amendment that allows staff to spend the Federal Government grant funds in a Cost-to-Complete format for accounting efficiencies.**

*The City of Deltona's Neighborhood Stabilization Program (NSP) has a total budget amount of \$6,635,909 and is to be used by the City over a four (4) year period. As is currently represented, there is an allocation of dollars over that four (4) year period for spending categories. This amendment to the NSP budget allows the City to allocate money within the program on a Cost-to-Complete manner for accounting efficiency, that allows staff to clearly report spending to both the City Commission and to the United States Department of Housing and Urban Development (HUD), as well as to ensure that potential delays due to accounting methodologies are minimized. This is not a change to the proposed Federal Grant awarded dollar amount.*

*The City of Deltona was awarded \$6,635,909 from the U.S. Department of Housing and Urban Development (HUD) on March 20, 2009. This was in keeping with similar awards to communities throughout Florida within the month of March, 2009. HUD had previously determined that the City of Deltona was an eligible community to receive NSP monies and determined that such HUD calculated funds could be spent in predetermined locations that received a high index ranking of need per HUD's criteria.*

*The City's Planning and Development Services staff received approval from HUD to focus neighborhood stabilization efforts on the southwestern and western portions of the City. Such funds can only be spent within strict NSP parameters that include, but are not limited to the following:*

- 1. Existing bank-owned properties*
- 2. Units in disrepair needing rehabilitation or reconstruction*
- 3. Relocation of individuals to improve their housing condition*
- 4. Work-force housing*
- 5. Demolition*
- 6. Rental assistance*
- 7. Construction of units*
- 8. Administration fees*

*In addition to the above, the City is under mandate from HUD to address capacity concerns (staff resources to administer the program). As such, the City is*

*considered an at-risk community to be monitored by HUD, based on receipt of the predetermined award of \$6,635,909, which is 13% greater than the allotment to the City for its Community Development Block Grant (CDBG) program.*

*To address capacity concerns, HUD expects the use of outside professional consultants to assist Planning and Development Services staff to achieve completion of the program. These include Housing Counselors, General Contractors, Real Estate Brokers, Property Managers, Real Estate Legal Services, Inspectors, and Appraisers.*

After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve the Neighborhood Stabilization Program budget amendment that allows staff to spend the Federal Government grant funds in a Cost-to-Complete format for accounting efficiencies.

## **10. NEW BUSINESS:**

### **A. Consideration of appointment of seven (7) members to the City's Beautification Advisory Board.**

*The terms of all of the current members of the Beautification Advisory Board expire on November 30, 2009. All of the current members except for Mr. Gregory Delaine (Commissioner McFall-Conte's appointment) and Mr. David Llewellyn (Vice Mayor Carmolingo's appointment) have expressed that they do wish to be re-appointed to this Committee.*

*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 applications from the following interested individuals: Lamar Coffy, Robert Echevarria, Carlos A. Gavilanes, Jr. and Michael F. Richards.*

After discussion, the Commission voted unanimously to confirm the appointment or re-appointment of the following six (6) individuals: Valerie Knopf, Barbara Willey, Gretchen Venn, George Gehring, Jason Bridgewater and Al Manassa to the Beautification Advisory Board for terms to expire on November 30, 2010 and to table Vice Mayor Carmolingo's appointment to December 14, 2009.

### **B. Consideration of appointment of seven (7) members to the City's Parks & Recreation Advisory Committee.**

*The terms of all of the current members of the Parks and Recreation Advisory Board expire on December 3, 2009. All of the current members, with the exception of Michael D'Amico and Eileen Gallagher, have expressed that they do wish to be re-appointed to this Committee.*

*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 applications from the following interested individuals: Jocelyn Myers and James Smith.*

After discussion, the Commission voted unanimously to confirm the appointment or re-appointment of the following four (4) individuals Linda Bauer, Larry French, James Wayne Ruth and Debra Wert to the Parks and Recreation Advisory Committee for terms to expire on December 3, 2010 and to table the appointments of Commissioner McFall-Conte, Commissioner Deyette and Commissioner Zischkau to December 14, 2009.

**C. Selection of Vice Mayor.**

*Section 5, Item (5), The Vice Mayor: Election and Duties, of the City Charter provides that: "There shall be a Vice Mayor elected annually by the Commission from among the Commissioners. Such election shall take place at the first meeting after the general election."*

After discussion, the Commission voted unanimously to select Commissioner Michele McFall-Conte as Vice Mayor for the next year.

**11. CITY COMMISSION COMMENTS:**

Mayor Mulder asked the Commission to support creating a small factual postcard that can be sent to all Deltona residents stating how the rezoning of Deltona high schools could affect them and encourage residents to attend the December 8<sup>th</sup> School Board Meeting; have the City Manager provide drafts of the informational material (postcard, flyer) for Commission review at the November 19<sup>th</sup> workshop meeting; and allow him to work with at least one (1) member of the City's PIO staff to create a flyer to informing the students of Deltona and the Commission concurred.

**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 at least three (3) working days in advance of the meeting date and time at (386) 878-8100.