

## AFTER ACTION AGENDA REPORT

### REGULAR CITY COMMISSION MEETING MONDAY, OCTOBER 5, 2009 **6:30 P.M.**

DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA

## AGENDA

1. CALL TO ORDER - 6:30 p.m.
2. ROLL CALL - CITY CLERK
  - Commissioner Treusch – Absent (Excused).
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:
  - A. Minutes:
    1. Regular City Commission Meeting – September 21, 2009.  
  
Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt the minutes of the Regular City Commission Meeting of September 21, 2009 as presented.
  - B. Additions or Deletions to Agenda:  
  
Commission voted unanimously to add Item 10-E to the agenda.
5. PRESENTATIONS/AWARDS/REPORTS:
  - A. Proclamation – Italian Heritage Month – October, 2009.
  - B. Presentation – Superstar Students of the Month – September, 2009.
6. PUBLIC FORUM – Citizen comments for items not on the agenda.

**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 to authorize the City to piggyback off a State of Florida Contract for the purchase of tires for City vehicles – Action Gator Tire.**

*The City replaces tires for its fleet on a regular basis. The State of Florida has a contract for tires, Contract #863-000-10-1, which lists Action Gator Tire as an authorized dealer for Goodyear Tires. In order to purchase these tires and set up a blanket purchase order, staff is recommending a piggyback off of the State of Florida Contract using Action Gator Tire at a total budgeted cost of \$69,000 for fiscal year 2009/2010 for all City fleet.*

[Approved by Consent Agenda - to make award to Action Gator Tire piggybacking the State of Florida Contract for an initial period from October 1, 2009 through September 30, 2010 and renewed annually if funding is appropriated for each renewal period in accordance with State Contract Number 863-000-10-1.](#)

- \* **B. Request for approval to award Bid #0944 for as needed asphalt paving and resurfacing.**

*Purchasing solicited a bid seeking qualified vendors to provide services that may typically include but that are not limited to Asphalt Paving and Resurfacing for City streets on an annual, as needed basis.*

*Four firms submitted bids based on the scope of work:*

- 1. Halifax Paving*
- 2. Middlesex Corporation*
- 3. P & S Paving*
- 4. Ranger Construction*

*Staff have analyzed the bids submitted. Based on overall pricing per ton, staff requests approval that Halifax Paving be used to provide these services as needed for an initial period of one year with the option to renew for three additional one year periods.*

Approved by Consent Agenda - to approve award to Halifax Paving to be utilized as needed for an agreement period of one (1) year with the option to renew for three (3) additional one (1) year periods at an annual cost not to exceed \$1,000,000 this fiscal year and not to exceed the Commission appropriate funds for each additional fiscal year during the remaining terms of the contract.

**\*C. Request for approval to award Bid #0941 for as needed electric motor and industrial pump repairs.**

*Purchasing solicited a bid seeking qualified vendors to provide services that may typically include but that are not limited to Electric Motor and Industrial Pump Repairs for City lift stations, wells, aeration and ABS pumps and fan motors on an annual, as needed basis.*

*Three firms submitted bids based on the scope of work:*

- 1. C & C Electric Works, Inc.*
- 2. Florida Bearings, Inc.*
- 3. TAW Orlando Service Center, Inc.*

*Staff have analyzed the bids submitted. Based on overall hourly pricing for pump and motor repairs, Staff request approval that C & C Electric Works, Inc. be used to provide these services as needed for an initial period of one year with the option to renew for three additional one year periods.*

Approved by Consent Agenda - to approve award to C & C Electric, Inc. to be utilized as needed for an agreement period of one (1) year with the option to renew for three (3) additional one (1) year periods at an annual cost not to exceed \$159,000 this fiscal year and not to exceed the Commission appropriate funds for each additional fiscal year during the remaining terms of the contract.

**\*D. Request for waiver of fees – Trinity Christian Academy Homecoming Parade.**

*The City has received a request from Mr. William Henderson, Elementary Principal, Trinity Christian Academy for waiver of the applicable costs and permit fee associated with homecoming parade scheduled for Saturday, October 17, 2009.*

*The costs associated with the request for waiver of associated costs and in-kind services from Fire and Sheriff's Department include the following:*

*Permit Fee- 0 (already paid)*

*Fire Department- \$ 300.00  
Public Works Department- \$ 900.00  
VCSO- 0  
Total \$ 1,200.00*

[Approved by Consent Agenda - to waive fees associated with the 2009 Trinity Christian Academy Homecoming Parade in accordance with Commission Policy Number CC99-005.](#)

**\*E. Request for approval of change order for roadway improvements Normandy Boulevard – Section A.**

*On June 2, 2007, the City Commission approved the Normandy Blvd. Section A Roadway Improvement Project. This project is a road widening, storm water and utility project that is currently being completed and construction finalized. The project contract price was \$7,176,118.37. Over the course of the past two (2) years, there has been \$361,230.60 in previous change orders for approximately five (5) percent of the original contract amount. It should be noted that there have also been reimbursement payments from the D.O.T. to the City, in the amount of \$2,986,430.00 from T.R.I.P (Transportation Road Improvement Program) and additional payments in excess of \$700,000.00 will be received by the City.*

*A final change order is needed for additional road improvements at a total cost of \$108,762.19 to complete construction. Total change orders will be \$469,992.79 or about six and one-half (6 1/2) percent of the original contract price. Typically, projects such as this one have total change order amounts ranging from ten to fifteen percent.*

*This final change order is necessary to cover changes in the work to be performed in Change Order #5. This involves construction activity to include concrete work, final grading of certain areas in the Phase 3 area, sodding, and additional pavement markings at the intersection of Saxon and Normandy.*

*To provide for close out and completion of this project, Public Works is requesting these additional funds for this project.*

[Approved by Consent Agenda - to approve change order for \\$108,762.19 to Halifax Paving, Inc. for the Normandy Blvd. widening project.](#)

**\*F. Request for approval to award Bid #0942 for as needed electrical services.**

*Purchasing solicited a bid seeking qualified vendors to provide services that may typically include but that are not limited to Electrical Services for City facilities and buildings on an annual, as needed basis.*

*Seven firms submitted bids based on the scope of work:*

- 1. Calkins Electric Construction, Co.*
- 2. EDI of Central Florida, Inc.*
- 3. Electrical Solutions*
- 4. K & K Electric, Inc.*
- 5. Taranto Electric, Inc.*
- 6. Tri-City Electrical Contractors, Inc.*
- 7. U.S. Heating and Air Conditioning, Inc.*

*Staff have analyzed the bids submitted. Based on overall hourly Master Electrician pricing, Staff requests approval that Electrical Solutions be used to provide these services as needed for an initial period of one year with the option to renew for three additional one year periods.*

**Approved by Consent Agenda - to approve award of Bid #0942 to Electrical Solutions to be utilized as needed for an agreement period of one (1) year with the option to renew for three (3) additional one-year periods at an annual cost not to exceed \$26,100 this fiscal year and not to exceed the Commission appropriated funds for each additional fiscal year during the remaining terms of the contract.**

**\*G. Request for approval to piggyback on the City of Mulberry's contract for ultra chlor 12.5% Sodium Hypochlorite – Deltona Water.**

*The Water Department uses Sodium Hypochlorite for its Wastewater Treatment plant to minimize inert material such as Zinc. By using Sodium Hypochlorite, the end product of the Wastewater treatment facility, biosolids (sludge), is able to meet requirements specified under 62-640.300. The quality also results in less product being used to maintain the required chlorine residuals as mandated by 62-600.440, which results in an overall savings vs. using a product of lesser quality and requiring a higher usage. The Odyssey Company supplies bulk deliveries and works with and in coordination with the Dumont Company, who currently has a long term contract with the City of Deltona. Odyssey is the only known vendor who can currently meet the specifications of this department for the material provided. Odyssey provides 24 hour service and is able to deliver bulk shipments on demand within two (2) hours.*

**Approved by Consent Agenda - to make award to Odyssey Manufacturing Company piggybacking the City of Mulberry's bid for Ultra Chlor 12.5% Sodium Hypochlorite for the period from October 1, 2009 through September 30, 2010 and renewed annually if funding is appropriated for each renewal period in accordance with the City of Mulberry bid.**

**\* H. Request for waiver of fees – Deltona Day Parade.**

*The City has received a request from John G. Hernandez, President, Deltona Civic Association, Inc. for waiver of the applicable costs and permit fee associated with the Deltona Day Parade scheduled for Saturday, November 21, 2009.*

*The costs associated with the request for waiver of associated costs and in-kind services from Fire and Sheriff's Department includes the following:*

*Permit Fee- \$ 50.00  
Public Works Department- \$ 900.00  
Fire Department- \$ 600.00  
VCSO \$ 140.00  
Total- \$ 1,690.00*

**Approved by Consent Agenda - to waive associated fees and permit cost for the 2009 Deltona Day Parade in accordance with Commission Policy Number CC99-005.**

**I. Request for renewal of Facility Use Agreement – Deltona Youth Soccer Club.**

*The Deltona Youth Soccer Club (DYSC) has operated since 1981 serving the greater Deltona area by providing recreational and competitive soccer leagues for young people. In recent years, adult soccer was added to their programming. The Club is served at the Dewey O. Boster Sports Complex. The Club has continually experienced growth in registrations at a rate around 10% annually.*

*The Facility Use Agreement between the City and the DYSC is for non-exclusive use of the Dewey O. Boster Sports Complex. Their use is year-round in nature.*

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

**The Commission tabled consideration of this item to allow staff to meet with the soccer organization.**

**J. Consideration of request by Deltona Youth Soccer to waive concession fees.**

*The original Concession Agreement was effective September 1, 2004 with the option to renew for three (3) additional one (1) year periods.*

*During the City Commission Workshop of April 14, 2008 considerable discussion ensued as to continuance of the \$400 monthly concession fee. In addition to public participation, Deltona Little League, Pop Warner Football and the Parks and Recreation Advisory Committee, had representatives present who supported DYSL continuing as the concessionaire, so long as they shared revenues with other sports*

*organizations who were required to play at the Sports Complex.*

*Motion was made by Vice Mayor Carmolingo to approve continuation of Deltona Youth Soccer Club operation of the Dewey Boster Concession Facility at a rate of \$1.00 for the next three years and the motion was carried (See attachment).*

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

**The Commission tabled consideration of this item to allow staff to meet with the soccer organization.**

**K. Request for renewal of Facility Use Agreement for Tennis Courts at Wes Crile Recreation Center – Deltona Tennis Association.**

*Deltona Tennis Association has conducted tennis instruction and tournaments in both recreational and competitive levels at the Wes Crile Community Center for eight (9) years. DTA programs build self confidence. DTA programs are scheduled in the evenings and on weekends during the school year for young people and adults.*

*Approximately 45 children (elementary through high school aged) and about a dozen adults are receiving free tennis instruction as a result of revenues generated from the Summer Recreation Program also conducted at the Wes Crile Recreation Center. Various other scholarships and support are garnered from the surrounding businesses and local Deltona community.*

*DTA does not pay any rental for use of the Wes Crile tennis courts, which are accessed Mondays and Wednesdays (youth) and Tuesdays (adults) from 6-8 PM. Deltona Tennis Association has met the criteria requirements for a Long Term Facility Use Agreement with the City.*

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

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve the renewal, at no charge, of the Long Term Facility Use Agreement with the Deltona Tennis Association effective October 5, 2009 through October 4, 2010 with a total of five (5) one year renewal periods for use of the Wes Crile Community Center tennis courts to conduct youth and adult tennis instruction and competition.**

**L. Request for renewal of Facility Use Agreement for Summer Recreation Program at Wes Crile Recreation Center – Deltona Tennis Association.**

*Deltona Tennis Association has conducted summer recreation programs at the Wes Crile Community Center for more than six years. They assumed these duties prior to*

*the City's Park and Recreation Department initiating our own Summer Recreation Program. Presently, DTA's use includes: meeting room, all outside amenities (tennis, basketball, racquetball courts, ball fields, pavilions, Splash Pad, picnic areas), storage building, gymnasium and they have kitchen access.*

*Due to this extensive use of Wes Crile, City programs are pre-empted for approximately twelve (12) weeks between 6:30 am – 6:00 pm, Mondays through Fridays, during this summer program.*

*There are no other significant changes to this Summer Recreation Agreement except to: match insurance requirements between all youth organizations; delete access to the no longer existing "Hot Line"; and, to provide access to the Recreation and Parks Program brochure.*

*DTA does not pay any rental for use of City facilities for Summer Recreation, and they have met the criteria requirements for a Long Term Facility Use Agreement with the City.*

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

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve the renewal, at no charge, of the Long Term Facility Use Agreement with the Deltona Tennis Association effective October 5, 2009 through October 4, 2010 for use of the Wes Crile Community Center, facilities and amenities to conduct summer recreation programs including that the renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.**

**M. Request for renewal of Facility Use Agreement – West Volusia Pony Baseball.**

*West Volusia Pony Baseball (WVP) is one of two long-standing youth baseball organizations serving the Deltona community by providing recreation youth baseball. They have traditionally had access to Dewey O. Boster Sports Complex at 1236 Saxon Blvd., Manny Rodriguez Park, 1570 Overton St., Timber Ridge Park, 1138 Glendale Ave., Wes Crile Park, 1537 Norbert Terrace, and Dupont Lakes, 2711 Elkcam Blvd. WVP's use is seasonal in nature.*

*WVP Baseball does not pay any rental for use of City facilities. Instead, they operate a parent-based, volunteer program of youth baseball games, tournaments and practices for children. They average between 600 – 700 players per season with the responsibility to secure equipment, sponsors, uniforms, field maintenance equipment, concession stand equipment and team supplies. This exchange of services between the City and West Volusia Pony Baseball is a "win-win" for our Community.*

*WVP Baseball has met the criteria requirements for a Long Term Facility Use*

*Agreement with the City. Staff has discussed the terms of this Agreement and both parties are in agreement to move forward at this time.*

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

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve the renewal of the Long Term Facility Use Agreement with West Volusia Pony Baseball for use of Vann Park, Vann Park Shuffleboard Clubhouse, Manny Rodriguez Park, Wes Crile Park, Timber Ridge Park and Campbell Park all located within the City of Deltona for a period of one (1) year effective February 2, 2009 through February 1, 2010 with the understanding that renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.**

**N. Request for renewal of Concession Agreement - West Volusia Pony Baseball.**

*West Volusia Pony Baseball (WVP) is one of two long-standing youth baseball organizations serving the Deltona community by providing recreation youth baseball. They have traditionally had access to Dewey O. Boster Sports Complex at 1236 Saxon Blvd., Manny Rodriguez Park, 1570 Overton St., Timber Ridge Park, 1138 Glendale Ave., Wes Crile Park, 1537 Norbert Terrace, and Dupont Lakes, 2711 Elkcam Blvd. WVP's use is seasonal in nature.*

*WVP Baseball does not pay any rental for use of City facilities. Instead, they operate a parent-based, volunteer program of youth baseball games, tournaments and practices for children. They average between 600 – 700 players per season with the responsibility to secure equipment, sponsors, uniforms, field maintenance equipment, concession stand equipment and team supplies. This exchange of services between the City and West Volusia Pony Baseball is a “win-win” for our Community.*

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

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve the renewal of the Concession Agreement with West Volusia Pony Baseball, Inc. for use of the concession facility at the Dewey O. Boster Sports Complex for a period of one (1) year, effective October 5, 2009 through October 4, 2010 with the understanding that renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.**

**O. Request for renewal of Facility Use Agreement – Deltona Little League, Inc.**

*Deltona Little League, Inc. (DLL) is one of two long-standing youth baseball organizations serving the Deltona community by providing recreation youth*

*baseball. They have traditionally had access to Vann Park, Vann Park Shuffleboard Clubhouse, Wes Crile Park, Timber Ridge Park, Campbell Park, and Manny Rodriquez Park. DLL's use is seasonal in nature.*

*DLL Baseball does not pay any rental for use of City facilities. Instead, they operate a parent-based, volunteer program of youth baseball games, tournaments and practices for children ages 6 – 15. They average between 500 – 600 players per season with the responsibility to secure equipment, sponsors, uniforms, field maintenance equipment, concession stand equipment and team supplies. This exchange of services between the City and Deltona Little League Baseball is a “win-win” for our Community.*

*DLL Baseball has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff has discussed the terms of this Agreement and both parties are in agreement to move forward at this time.*

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

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve the renewal of the Facility Use Agreement with Deltona Little League, Inc. for use of Vann Park, Vann Park Shuffleboard Clubhouse, Manny Rodriguez Park, Wes Crile Park, Timber Ridge Park and Campbell Park all located within the City of Deltona for a period of one (1) year with the ability to renew this agreement for a total of five (5) one year periods upon written agreement of both parties.**

**P. Request for renewal of Concession Agreement – Deltona Little League, Inc.**

*Deltona Little League, Inc. (DLL) is one of two long-standing youth baseball organizations serving the Deltona community by providing recreation youth baseball. They have traditionally had access to Vann Park, Vann Park Shuffleboard Clubhouse, Wes Crile Park, Timber Ridge Park, Campbell Park, and Manny Rodriquez Park. DLL's use is seasonal in nature.*

*DLL Baseball does not pay any rental for use of City facilities. Instead, they operate a parent-based, volunteer program of youth baseball games, tournaments and practices for children ages 6 – 15. They average between 500 – 600 players per season with the responsibility to secure equipment, sponsors, uniforms, field maintenance equipment, concession stand equipment and team supplies. This exchange of services between the City and Deltona Little League Baseball is a “win-win” for our Community.*

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

**After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted**

against the motion) to approve the renewal of the Concession Agreement with Deltona Little League, Inc. for use of the concession facility at Vann Park for a period of one (1) year effective October 5, 2009 through October 4, 2010 with the understanding that renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.

**Q. Request for approval of Facility Use Agreement – Deltona Adult Soccer League.**

*The Deltona Adult Soccer League (DYSC) has operated since 2003 serving the greater Deltona area by providing recreational and competitive soccer leagues for adults. In recent years, adult soccer was added to their programming. The Club is primarily served by the Dewey O. Boster Sports Complex.*

*The Facility Use Agreement between the City and the DASL is for non-exclusive use of the Dewey O. Boster Sports Complex. Their use is in winter and summer months when the adult league seasons take place.*

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

The Commission tabled consideration of this item to allow staff to meet with the soccer organization.

**R. Request for renewal of Facility Use Agreement – Deltona Chargers Youth Tackle Football & Cheerleading.**

*Deltona Chargers Youth Tackle Football and Cheerleading (Chargers) previously provided Pop Warner Football and Cheerleading programs in Deltona under the name of Volusia Panthers Youth Tackle Football. Game and playoff schedules remain essentially the same as in previous years: approximately six (6) home games, numerous practice space needs and a playoff schedule based on the age bracket and other league playoffs. A “Jamboree” is also conducted which pits local/regional clubs in competition with one another.*

*The Chargers access the practice fields and the football field located at the Dewey O. Boster Sports Complex. This program operates from August through November annually.*

*The Chargers have met the criteria requirements for a Long Term Facility Use Agreement with the City. They do not pay any fees in exchange for conducting this program of youth tackle football and cheerleading.*

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

After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted

against the motion) to approve the renewal of the Facility Use Agreement with Deltona Chargers Youth Tackle Football and Cheerleading for use of the Dewey O. Boster Sports Complex football field and practice areas located at 1200 Saxon Blvd., Deltona at no charge, for a period of one (1) year, effective October 5, 2009 through October 4, 2010 with the understanding that renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.

**S. Request for renewal of Facility Use Agreement – Florida Basketball & Volleyball Association (FBVA).**

*The Florida Basketball & Volleyball Association (FBVA) has operated since 2004 serving the greater Deltona area by providing recreational basketball leagues for young people. FBVA utilizes Wes Crile gymnasium to host practices and league games.*

*The Facility Use Agreement between the City and FBVA is for non-exclusive use of the Wes Crile gymnasium. Their use is seasonal in nature. FBVA has requested the opportunity to expand their program offering to include volleyball in the future and staff is receptive to this arrangement, as we are experiencing a growing interest in the sport of volleyball. Additionally, FBVA would like the opportunity to expand onto other sites not owned by the City (such as the Volusia County School Board locations), should the City be able to capture such use.*

*There are no significant changes in this renewal. We have required the FBVA to attend two (2) Field Allocation meetings annually. We have defined and included, “Advertising” and “Sale of Prohibited Items”.*

*FBVA is responsible to pay a Category II rental rate of \$20 per hour, less 20%. This program will operate four (4) seasons annually, averaging 65 hours of facility use per season or 260 hours annually. Use will increase if volleyball is added to the program offering. Projected revenue from the basketball program is \$4,160.*

*FBVA has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff has discussed the terms of this agreement and both parties are in agreement to move forward at this time. Staff recommends a one (1) year Facility Use Agreement due to the consistent/regular use of this organization, with an opportunity for five (5) additional one year periods.*

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

After discussion, the Commission voted 5 to 1 (Commissioner Zischkau voted against the motion) to approve the renewal of the Facility Use Agreement with the Florida Basketball and Volleyball Association for use of the Wes Crile gymnasium, located within the City of Deltona for a period of one (1) year,

effective October 5, 2009 through October 4, 2010 with the understanding that renewal of this agreement may occur for a total of five (5) one year periods upon written agreement of both parties.

**8. ORDINANCES AND PUBLIC HEARINGS:** None.

**9. OLD BUSINESS:**

**A. Consideration of appointments of two (2) members to the City's Planning & Zoning Board (Commissioner Deyette's and Mayor Mulder's appointments).**

*Mr. John Porta (appointed by Mayor Mulder) has resigned effective July 1, 2009 and Ms. Diane Miller (appointed by Commissioner Deyette) has resigned effective September 28, 2009 both from the City's Planning & Zoning Board. The City has run a press release, and posted the openings on the City's WebPage, D-TV and City bulletin boards. To date, the City has received applications from the following interested individuals: Jose H. Irizarry III; Noble Olasimbo, AICP; George Trovato; Diane Marinaro Tyler; and Adam Walosik.*

After discussion, the Commission voted unanimously to confirm the appointment of Adam Walosik for the remainder of a term to expire on March 15, 2011 and to confirm the appointment of Jose H. Irizarry III for the remainder of a term to expire on March 25, 2010 both to the Planning & Zoning Board.

**B. Request for waiver of fees – Volusia County Hispanic Association Cultural Awareness Latin Festival.**

*The City has received a request from Carlos Rivera, President, Volusia County Hispanic Association, for waiver of the applicable costs and permit fee associated with the Volusia County Hispanic Association Cultural Awareness Latin Festival scheduled for Sunday, October 11, 2009 at Dewey O. Boster Sports Complex.*

*The costs associated with the request for waiver of associated costs and services from Public Works Department, Parks and Recreation Department, the Fire and Sheriff's Departments include the following:*

*Parks & Recreation - \$ 990.00  
Fire/Rescue - \$2,100.00  
Sheriff's Dept. - \$3,080.00  
Public Works - \$1,082.50  
Total = \$7,252.50*

*It is the intent of the Volusia County Hispanic Association to charge an admission fee of \$ 5.00 per person and sell alcoholic beverages to support the anticipated expenses for this event.*

After discussion, the Commission voted unanimously to approve the request of the Volusia County Hispanic Association for waiver of in-kind costs and fees for the Latin Festival scheduled for this coming Sunday, October 11, 2009 or any rain date.

**10. NEW BUSINESS:**

**A. Consideration of appointment of one (1) member to the William S. Harvey Scholarship Selection Committee.**

*Ms. Bessie Robinson (appointed by Commissioner Denizac) of the William S. Harvey Scholarship Selection Committee has resigned from the Committee effective March, 2009. The City has run press releases, and posted the opening on the City's WebPage and bulletin boards. To date, the City has received applications from the following interested individuals: Edith O'Haver, Don Philpitt, Donna Pough-Rivera and James Whitney.*

After discussion, the Commission voted unanimously to confirm the appointment of Don Philpitt to the William S. Harvey Scholarship Selection Committee for the remainder of a term to expire February 11, 2011.

**B. Request for selection of Special Master for FY 09/10 and approval of Resolution No. 2009-37.**

*Given our current economic times and to continue to be financially prudent, City staff solicited proposals from attorneys, including Mr. Cino, to provide Special Master services for the City of Deltona. We have advertised both in the Florida Bar and Volusia Bar websites for special master services. To date, we have received resumes from the following attorneys: Booker and Associates, P.A. (Kim Booker); Charles F. Cino; Karla Owens; Stenstrom, McIntosh, Colbert, Whigham and Partlow, P.A. (Lonnie Groot); and Joy P. Ewertz, P.A. This agenda item is for the Commission to select a Special Master for the upcoming fiscal year.*

After discussion, the Commission voted unanimously to appoint Charles Cino as the City's Special Master for FY 09/10 at an hourly rate of \$125.00 and to approve Resolution No. 2009-37 for said appointment.

**C. Consideration of Labor Attorney Jeff Mandell.**

*As you are aware, the City is presently engaged in negotiations with the IAFF representing the Fire Department bargaining unit for a new collective bargaining contract. The current contract expires September 30, 2009 and negotiations which commenced April, 2009 have been protracted and unproductive to date.*

*To assist the City's bargaining team and the City's negotiator, Steve Rosenthal, and to prepare to conduct such hearings as may unfortunately result from an*

*impasse, the negotiating team and myself have interviewed five (5) experienced labor attorneys.*

*It was the consensus of the assemblage that Jeff Mandell of Fisher & Phillips, LLP in Orlando be engaged by the City to provide such assistance as may be required. Mr. Mandell has significant experience with the IAFF and is well versed and experienced with the special magistrate proceeding that typically results from an impasse. He is a former hearing officer for the Public Employee Relations Committee, and he will be assisting the City in the continuing negotiations and related and ancillary matters dealing with the IAFF.*

*Accordingly the recommendation is to engage Mr. Mandell of Fisher & Phillips, LLP. A copy of the proposed engagement letter for these services is provided as attached.*

**After discussion, the Commission voted unanimously to approve the engagement of Labor Attorney Jeff Mandell of Fisher & Phillips, LLP in Orlando to provide such assistance as may be required.**

**D. Discussion re: City Manager's Annual Performance Evaluation.**

*The City Manager's Employment Agreement, dated October 6, 2008, provides the following:*

"Employer shall annually review the performance of the Employee, on or before October 6th of each year following execution of this Agreement, subject to a process, form, criteria, and format for the evaluation which shall be mutually agreed upon by the Employer and Employee. The process at a minimum shall include the opportunity for both parties to: (1) prepare a written evaluation, (2) meet and discuss the evaluation with each member of the Commission, and (3) present a written summary of the evaluation results. The final written evaluation should be completed and delivered to the Employee within thirty (30) days of the evaluation meeting.

The Commission shall consider such salary or benefit increases as it may deem appropriate to remain competitive in the market. In any subsequent year, if the Commission should fail to evaluate the Employee's performance or fail to consider salary or benefit increases before October 6th of each year, the Employee shall automatically receive a four percent (4%) merit increase in salary commencing thereon. As other salary adjustments are approved or otherwise occur for general employees such as cost of living adjustments, the City Manager Employment Agreement stands to also be amended accordingly."

*On September 8, 2009, the Commission selected a performance evaluation form for this process. At the time of the agenda packet preparation, two (2) members of the City Commission had completed the performance evaluation forms and met one on one with the City Manager. Copies of the completed evaluation forms as*

*received prior to Monday's meeting will be kept in a file maintained by Jean Oertli, Executive Assistant to the Mayor and Commission, and copies will be made available upon your request to Ms. Oertli. Upon receipt of all evaluations, a written summary of the results will be provided to the City Commission.*

*In the event of a favorable outcome from the collective evaluations, I ask that the Commission not consider any salary or benefit increase at this time given the City's current financial situation and that our non-bargaining unit employees are not receiving a salary increase for the second year in a row.*

**After discussion, the Commission voted unanimously to approve the continued tenor of Faith Miller as City Manager until her next annual review and accept her offer of an exception to her contract that her salary not be increased in the FY 09/10 and be the same salary as last fiscal year.**

**E. Discussion & direction re: garage sale signs and other signs in City right-of-ways.**

*At the August 11<sup>th</sup> Commission workshop during the discussion of garage sales the Commission concurred to allow garage sale signs to remain up for the weekends (Friday through Sunday) and to revisit this issue in six (6) months.*

*Mr. Baker indicated in his memo that not picking up the garage sale signs over the weekend may lead to other illegal signs being in the right-of-way during weekends. There was concern expressed that allowing garage sale signs to remain up for a period of time and removing other illegal signs may become an issue of selective enforcement.*

*If the Commission decides to leave garage sale signs along on the weekend, staff will be picking up some signs on the weekend and then having to return to the same locations on Monday to pick up the garage sale signs. With the reduction in the number of code enforcement officers available, signs have dropped on the priority list given other issues such as foreclosed homes, high grass, abandoned vehicles and other safety related issues. Presently, on Mondays staff picks up between 175-200 signs on the main thoroughfares alone each week.*

*Over the past several weeks, the issue of allowing other illegal signs in the right-of-ways over the weekend has become a matter of concern. City staff is asking for Commission clarification regarding this matter.*

*Recently concerns have also been expressed about what constitutes an "opinion sign" and the Commission may want to discuss this issue as well.*

*Also, for your information, the Legal Department has been asked to conduct a complete review of our current sign regulations and to identify any outstanding issues or concerns that can be addressed through the current rewrite of the City's Land Development Code.*

After discussion, the Commission The Commission concurred to have staff enforce the Ordinance as it is written, the Legal Department review the Ordinance regarding opinion signs and bring options back to the Commission and to have a revised Ordinance at the next regular meeting if possible.

**11. CITY COMMISSION COMMENTS:**

**12. CITY MANAGER COMMENTS:**

**13. CITY ATTORNEY 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.