

## AFTER ACTION AGENDA REPORT

### REGULAR CITY COMMISSION MEETING MONDAY, AUGUST 17, 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
  - All present.
3. SILENT INVOCATION AND PLEDGE TO THE FLAG:
4. APPROVAL OF MINUTES & AGENDA:

A. Minutes:

1. Special City Commission Meeting – August 3, 2009.
2. Regular City Commission Meeting – August 3, 2009.

Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt the minutes of the Special City Commission Meeting of August 3, 2009 and the Regular City Commission Meeting of August 3, 2009 as presented.

B. Additions or Deletions to Agenda:

5. PRESENTATIONS/AWARDS/REPORTS:
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 for approval to piggy-back State of Florida Contract #250-000-09, for additional data storage space.**

*The Information Technology Division has replaced seven (7) servers and virtualized them. Currently that storage resides on one (1) array. In order to maintain that storage, an additional array is needed to replace the existing server storage. This will increase available data storage, reduce data storage costs, increase storage efficiency, increase storage availability and redundancy, extend the normal life cycle of the product by 3-5 years and reduce power consumption and increase available physical space.*

*To purchase this hardware, and as allowed in City/State policy, staff is recommending that the City piggyback the State of Florida Contract # 250-000-09, which was solicited by the State of Florida. The State of Florida approved award and entered into a contract with Promark Technology, Inc. on September 8, 2008.*

**After discussion, the Commission voted unanimously to approve award for the purchase of the hardware as specified to Promark Technology, Inc. at a total cost not to exceed \$34,900.00 in accordance with the State of Florida Contract # 250-000-09-01.**

**\*B. Request for approval of budget amendment for the appropriation for the carryover of Park Project funds.**

*In fiscal year 2008, the City appropriated funds to assist in the construction of a rubberized walking trail at Wes Crile Park and the construction of the museum at Veterans Park. The projects were not fully completed until fiscal year 2009. The appropriation of project funds was not carried forward into FY 08/09.*

**Approved by Consent Agenda - to approve the budget amendment for the carryover of \$204,364.00 from the Park Projects Fund FYE 08 Budget to the Park Projects Fund FYE 09 Budget.**

**C. Request for approval of change order for Debary Avenue bypass project.**

*The County road program includes funding for the construction of the 4 lane Debary Avenue bypass project, beginning east of I-4 near Deltona Blvd. and extending east to Providence Blvd. This project is currently under construction. The City and the County currently have a JPA in the amount of \$826,550.00 for this project. At the request of the City, the County agreed to a change order for the replacement of an 8" water main at the intersection of Providence and Debary Avenue. The change order is to include an additional 1308 LF of 8" water main, a new pressure reducing valve with vault, valves and appurtenances.*

*To provide for further development and the completion of this project, Deltona Water is requesting these additional funds for this project.*

**After discussion, the Commission voted unanimously to approve change order to Volusia County for \$96,289.75 for additional services concerning an 8" water main and 1,308 lineal feet of piping needed to complete the Debary Avenue bypass project.**

**\*D. Request for approval of the Deltona Amphitheater at Lyonia Preserve Policies and Procedures (Operation Plan).**

*The City of Deltona and Volusia County (jointly) entered into an Interlocal Agreement on August 23, 2007 and amended on February 21, 2008 for the construction, operation maintenance costs of the Amphitheater at Deltona Regional Library and Lyonia Environmental Center (LEC). This agreement is for a ten (10) year period with an optional renewal term of an additional ten (10) years. As stated in the Interlocal Agreement, the City has contributed \$2.0 million toward the construction of the amphitheater plus an additional \$250,000.00 per year beginning in FY 09/10 for the operation and maintenance of the LEC and the amphitheater. The County is responsible for the construction of the improvements. As set forth in the Interlocal Agreement, the City has the exclusive right to designate the name of the Amphitheater, subject to the prior written approval of the County. The City also agreed to seek preliminary input from the County Council prior to considering a name for approval.*

*On July 14, 2009, staff presented information regarding the Draft Manual on the Policies and Procedures for the operation and maintenance of the Amphitheater at the Deltona Regional Library and the Lyonia Environmental Center. Furthermore, it was discussed that the formal naming of the Amphitheater and the formal adoption of the Official Policies and Procedures be brought back to the City Commission as an Agenda Item for review and consideration. Staff is requesting approval of the Official Policies and Procedures.*

**Approved by Consent Agenda – to approve the Deltona Amphitheatre at Lyonia Preserve Policies and Procedures.**

**8. ORDINANCES AND PUBLIC HEARINGS:**

**A. Resolution No. 2009-23, Amending the Joint Planning Area Agreement between the County of Volusia and City of Deltona.**

*On April 21, 2009, the City Commission and County Council had a joint meeting to transmit the Osteen Joint Planning Agreement local plan amendments to the Florida Department of Community Affairs (FDCA). The City Commission and the County Council transmitted the Osteen amendments. In addition, both elected*

*bodies directed their respective staffs to amend the height restrictions for the proposed land use designations of Mixed Use Village (MUV), Cluster Residential (CR), and Rural Estate (RE). The changes involve a modification of the height restrictions of the aforementioned land use categories from a 25 foot limitation to a 35 foot limitation. "Exhibit B" of the Osteen JPA illustrates the changes to the MUV, CR and RE height restrictions. Please be advised that the County will consider the adoption of a similar resolution on Thursday, August 20, 2009.*

*The April 21, 2009, joint transmittal hearing between the City and County was a requirement of the Osteen JPA. The JPA also called for a joint adoption hearing. The subject resolution states that individual adoption hearings for the Osteen amendments will be acceptable. City and County staff suggest that individual City and County adoption events would be appropriate for the following reasons:*

- 1) Major City/County questions and issues associated with the Osteen amendments were addressed before the transmittal hearing.*
- 2) City and County staffs have addressed the FDCA Objections, Recommendations, and Comments (ORC) report. The City/County responses to the ORC did not lead to major changes to the Osteen amendments. (Changes to the Osteen amendments will be discussed as part of the adoption hearing scheduled as the next City agenda item. The County is scheduled to adopt the Osteen amendments on August 20, 2009.)*
- 3) Individual adoption hearings are much less challenging and ensure that the Osteen amendments are expeditiously adopted by both parties consistent with State law. (Note that if the City does not adopt this resolution then the adoption of the Osteen amendments must be deferred until a joint meeting can be scheduled.)*

*Finally, there is clarification language provided that corrects an error regarding local planning agency review of the Osteen material; in the case of the City that would be the Planning and Zoning Board.*

**After conducting the public hearing, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt Resolution No. 2009-23, amending the Joint Planning Area Agreement between the County of Volusia and the City of Deltona.**

- B. Public Hearing – Ordinance No. 07-2009, Amending the City of Deltona Comprehensive Plan by amending Chapter 1: "Future Land Use Element", by adding the "Osteen Local Plan"; amending the "Future Land Use Map", by adding the "Osteen Local Plan Future Land Use Map" as a component of the Future Land Use Map series for approximately 3,990 acres from Agricultural Resource, Commercial, Environmental Systems Corridor, Forestry Resource, Low Impact Urban, Natural Resource Management Area, Public/Semi-Public, Rural, Urban Low Intensity, and Urban Medium Intensity to the Osteen Local Plan Osteen Commercial Village, Mixed Use Village, Tech Center, Urban**

**Residential, Transitional Residential, Cluster Residential, and Rural Estate designations. Also, addressing the Florida Department of Community Affairs' Objections, Recommendations, and Comments Report regarding the Osteen Local Plan, for second and final reading.**

*Agreement associated with a Future Land Use Map amendment known locally as the "Leahy" amendment. One condition was for the City to work with Volusia County to create a Joint Planning Agreement (JPA) for the Osteen area.*

*On February 7, 2008, the County Council and on February 18, 2008, the City Commission, directed their respective staffs to prepare a Joint Planning Agreement to address land use, design standards, infrastructure, etc. within the Osteen area.*

*The Osteen Joint Planning Area (JPA) Agreement was approved by the City Commission on November 17, 2008, and the County Council on December 4, 2008. The Planning and Zoning Board heard this Ordinance at their regular scheduled meeting on March 18, 2009, and voted unanimously to forward Ordinance No. 07-2009 to the City Commission with a recommendation of approval.*

*The Osteen Joint Planning Agreement calls for the creation and adoption of a Local Plan for the Osteen area. The Plan includes specific goals, objectives and policies, a Future Land Use Map, and unique land-use designations. City and County staff mutually drafted the Osteen Local Plan that was approved for transmittal to the DCA and the VGMC at a joint meeting between the City and County on April 21, 2009. On June 10, 2008, the VGMC issued the Consistency Certification.*

*On July 2, 2009, DCA issued an Objections, Recommendations, and Comments Report (ORC) for the Osteen Local Plan Comprehensive Plan Amendment. The DCA ORC identified four objections (see attachment 1) that must be addressed in order for DCA find the amendments in compliance. The four objections involve the following:*

- 1) Demonstration for the need for more and intensive uses.*
- 2) The DCA states that the Osteen Local Plan provides for uncertainty, due to significant development potential past the year 2025.*
- 3) Proposed policy Q1 does not establish meaningful and predictable standards and guidelines.*
- 4) Lack of a City water supply plan.*

*The DCA also submitted comments with regard to the Osteen amendments. The comments are as follows:*

- 1) Clarification of wetland densities.*
- 2) Clarification of wetland buffer requirements.*

3) *Clarification of a non-residential mix for the proposed Urban Residential designation.*

*As has been stated, the City is required to respond to DCA objections. The City and the County staffs did work on the response to the objections with the exception of objection four. The DCA issued objection 4, only as part of the City Objections, Recommendations, and Comments Report. The County did not prompt the water supply plan oriented objection, because the DCA recently approved the County water supply plan. Local governments are not required to respond to DCA comments. However, the City and the County chose to respond to the DCA comments. The City response to the DCA Objections, Recommendations, and Comments Report is provided as attachment 2.*

**After conducting the public hearing, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt Ordinance No. 07-2009, the Osteen Local Plan, as revised, addressing the Florida Department of Community Affairs' Objections, Recommendations, and Comments Report regarding the Osteen Local Plan.**

**C. Public Hearing - Ordinance No. 14-2009, Granting an additional Homestead Exemption for low income seniors beginning with the 2010 tax year, for second and final reading.**

*The 2007 Florida Legislature enacted Chapter 2007-4, effective April 9, 2007, and retroactive to January 1, 2007, which created an amendment to the State Constitution relating to the optional additional homestead exemption for persons 65 and older. The law allows counties and cities to grant an additional homestead tax exemption up to a maximum of \$50,000 applicable to taxes levied by the unit of local government to individuals who meet the following:*

- ◆ *65 or older as of January 1<sup>st</sup> of the tax year;*
- ◆ *holds legal or equitable title to the home; and*
- ◆ *household income not exceeding \$20,000\**

*\*Florida Statutes, Section 196.075 (3) provides that the \$20,000 income limitation is adjusted annually by the percentage change in the average cost-of-living index. The current income limitation is \$24,214. Per Florida Statutes, Section 196.075 (1)(b), "Household income" means the adjusted gross income, as defined in s. 62 of the United States Internal Revenue Code, of all members of a household. Adjusted gross income does include items such as wages, salaries, IRA distributions, pension and annuities, unemployment compensation, and social security benefits. For additional information,*

*The City does presently offer an additional exemption for seniors, with the 2000 adoption of an ordinance providing an additional homestead exemption of \$25,000 to persons 65 and older whose household income does not exceed \$20,000.*

*The City Commission would adopt this additional exemption for residents meeting age and income criteria.*

*With this additional exemption, the City's present exemption for this same group of residents, and the \$50,000 exemption for all residents, residents in this category would receive an exemption for up to \$100,000 in property values.*

*At the current City millage rate of 4.15329, the granting of the additional homestead exemption at the \$50,000 maximum would result in an additional \$103.83 savings to qualified applicants if the assessed value of their home is high enough to utilize the full \$100,000 exemption.*

**After conducting the public hearing, the Commission voted unanimously to adopt Ordinance No. 14-2009 at second and final reading, to grant an additional homestead exemption of \$50,000 for persons 65 and older, whose household income does not exceed the current income limitation established by Florida Statutes, Section 196.075 (2), and beginning with the 2010 tax year.**

## **9. OLD BUSINESS:**

### **A. Discussion and direction re: Community Life Center's rent for use of space in the City's Social Services' Building.**

Currently the City provides 1,796 sq. ft. of space to *For All "HIS" Children Christina Ministries, Inc. d/b/a Community Life Center* at a rental cost of \$5.57 per square foot (equivalent to \$1,000 a month). The monthly rental break-down for the Social Services' Building is currently:

<b><u>Tenant</u></b>	<b><u>Rent</u></b>	<b><u>Sq. Ft.</u></b>	<b><u>Per Sq. Ft. Cost</u></b>
United Cerebral Palsy	\$102	204	\$6.00
Community Life Ctr.	\$1,000	1,796	\$5.57
DCF	\$896	768	\$14.00

The Commission will also be considering a new tenant, New Life Foundation, Inc., later in the Commission meeting for the Social Services' building at a cost of \$8.00 per square ft. (1,050 sq. ft. at \$700 per month).

The estimated budget for FY 09/10 includes revenues from the three entities (UCP, Community Life & DCF) paying a total of \$23,976 in rent for the year. Estimated Operating Expenses of the building for FY 09/10 are anticipated at \$27,300.

In response to a Commissioner's request, staff has researched the amount of funds provided to the Community Life Center in the past which includes \$9,200 as monetary donations/grant and a total of \$19,487 for rent and utility expenses paid

via CDBG funds from 3/21/07 through 10/31/08 when the Center was located in the Deltona Fountains plaza.

Also, attached for the Commission's information is a copy of the Amended projected Financial Statements for *For All "HIS Children Christian Ministries, d/b/a Community Life Center* dated August 11, 2008. Staff has requested a copy a current financial plan for the Center and Ms. Vickers has advised that the plan will be provided as soon as it is complete.

At the August 3rd Commission meeting, the Commission directed staff to include discussion regarding the Community Life Center's situation as an agenda item at the next Commission meeting.

**After discussion, the Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to reduce the rent for the Social Services building by 50% for 1 year for all the tenants.**

**B. Selection of an Interim City Attorney.**

The City Commission on August 3, 2009, voted to re-appoint Charles Cino as the City's Special Magistrate effective August 18, 2009. Therefore, the Commission will need to appoint a new interim City Attorney to handle legal matters for the Commission for the time period until such time as a permanent replacement is appointed as City Attorney.

City staff contacted the Volusia Bar Association and asked for their assistance in getting the word out to their members as well as other Central Florida Bar Associations about the opening for an interim attorney position with the City. To date, the City has received letters of interest from the following firms listed in alphabetical order:

- Edward H. Beazley, Jr., Attorney at Law
- Booker & Associates, P.A. (Kim C. Booker)
- Karen Z. Consalo, Attorney at Law
- Doran, Wolfe, Ansay & Kundid (Michael Ciocchetti)
- Fishback Dominick Law Firm (Daniel Langley)
- Fowler, O'Quinn, Feeny & Sneed, P.A. (James "Skip" Fowler)
- Shepard, Smith & Cassidy, P.A. (Virginia Cassidy)

The firms have been invited to attend the August 17th Commission meeting to respond to any questions the Commission members may have.

After discussion, the Commission voted unanimously to select Skip Fowler of the law firm of Fowler, O'Quinn, Feeney & Sneed, P.A. to serve as Acting City Attorney effective August 18, 2009.

**10. NEW BUSINESS:**

- A. Request for approval of the Lease Agreement between the City of Deltona and New Life Foundation, Inc. to allow New Life Foundation, Inc. to occupy 1,050 square feet of leasable space remaining in the City owned Social Services Building.**

*The City of Deltona owned Social Services Building is currently leased by tenants from United Cerebral Palsy (UCP), State of Florida Department of Children and Families (DCF), and the Community Life Center (CLC). Each tenant occupies varying lease space size and no tenants co-locate or combine services within the building.*

*The building includes a kitchen, dining area, utility rooms, bathrooms, and an office that was occupied by City staff that monitored the building. The building also includes many common areas through the floor plan that are not leased and the City is responsible for. There remains additional space adjacent to the DCF space that is demised off with a temporary wall. The non-profit group, New Life Foundation, Inc., requests use of 1,050 square feet of this space for social services to serve the Deltona community and focus on services not offered by current tenants in the building, such as teen pregnancy tests and teen counseling sessions.*

*New Life Foundation, Inc., is a registered 501(c)(3) non-profit within the State of Florida. The potential tenant has negotiated a price of eight dollars (\$8.00) per square foot with the City that results in a monthly rental rate of \$700.00 per month. The potential tenant has requested an occupancy date of September 1, 2009, and the term of the lease is for one (1) year.*

After discussion, the Commission voted unanimously to approve the Lease Agreement between the City of Deltona and New Life Foundation, Inc., at a reduced rent of \$350 per month.

- B. Request for approval of Resolution No. 2009-25, supporting elimination of the cap on the State and local Housing Trust Funds and supporting full appropriation of the Housing Trust Funds for Housing Programs.**

*In order to fund affordable housing type initiatives the State of Florida enacted into law the Sadowski Affordable Housing Act in 1992. The Sadowski Act establishes a trust fund to fund affordable housing efforts throughout the State and the source of revenue comes from documentary stamp sales. However, effective in 2007 the State Legislature capped trust fund revenues at \$243 million*

*per year. Revenues that exceeded the \$243 million per year cap have reallocated into the State of Florida general fund.*

*The Florida League of Cities, with other entities, is a member of the Sadowski collation. The Florida League of Cities is requesting that Cities adopt a resolution that accomplishes the following:*

- 1) Urge the State Legislature to repeal the \$243 million dollar a year cap; and*
- 2) Utilize money that is generated for the Housing Trust Funds only for affordable housing projects purposes.*

*There is anticipation that this resolution, along with other similar local government resolutions, will be used to educate State policy makers as to the importance of not only protecting but enhancing the Housing Trust Funds to meet the needs of low income Floridians.*

**After discussion, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve Resolution No. 2009-25, supporting the elimination of the cap on the State and local Housing Trust Funds and supporting full appropriation of the Housing Trust Funds for Housing Programs.**

- 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.