

AFTER ACTION AGENDA REPORT

REGULAR CITY COMMISSION MEETING MONDAY, FEBRUARY 16, 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. Regular City Commission Meeting – February 2, 2009.

Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt the minutes of the Regular City Commission Meeting of February 2, 2009 as presented.

B. Additions or Deletions to Agenda.

Commission voted unanimously to add Item 5-C regarding discussion of the City Manager's employment and concerns regarding an alleged inappropriate comment.

Commission voted 5 to 2 (Commissioner Denizac and Commissioner Zischkau voted against the motion) to add Item 10-E a presentation by Mayor Mulder.

Commission voted 2 to 5 (Commissioner Deyette, Commissioner McFall-Conte, Commissioner Treusch, Vice Mayor Carmolingo, and Mayor Mulder voted against the motion) to deny adding Item 10-F to discuss conflicting reports with regard to an alleged racial slur and the irregularities in the administration of the contract with Biddle & Associates.

5. PRESENTATIONS/AWARDS/REPORTS:

- A. **Proclamation – School Crossing Guard Day – February 16, 2009.**
- B. **Recognition of Fox 35 Safety Salute – Deltona Fire Department.**
- C. **Discussion regarding the City Manager’s employment and concerns regarding an alleged inappropriate comment.**

After discussion, the Commission voted 3 to 4 (Commissioner Deyette, Commissioner Treusch, Vice Mayor Carmolingo and Mayor Mulder voted against the motion) to terminate the employment contract with Faith Miller as City Manager (MOTION FAILED).

After discussion, the Commission voted 3 to 4 (Commissioner Deyette, Commissioner Treusch, Vice Mayor Carmolingo and Mayor Mulder voted against the motion) to terminate the employment contract with George Trovato as City Attorney (MOTION FAILED).

After discussion, the Commission voted 4 to 3 (Commissioner Denizac, Commissioner Treusch and Commissioner Zischkau voted against the motion) to require Ms. Miller and Mr. Trovato to attend sensitivity training at their own expense and to notify the City Commission when they will be attending and when they have completed the training.

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 fee waiver – Deltona Lodge 756 – 5K Scholarship Fundraiser for graduating high school students in Deltona.**

Randolph Harris, Chairman of Deltona Lodge No 756, has submitted a request to the City for a waiver of the fees associated with the Deltona Lodge 756 5K Run scholarship fundraiser for graduating high school students in Deltona

The total fees associated with this parade are \$280.00.

Approved by Consent Agenda – to authorize staff to waive the fees associated with the 5K Run scholarship fundraiser for graduating high school students in

Deltona.

* **B. Request for approval to award ITB # 0919 – Replacement of Multi-Aspirator – Deltona Water.**

The air system for the Contact Stabilization treatment system is not working efficiently. The current piping is leaking air and needs to be replaced. Operations' is recommending that a subsurface aeration unit be installed in the rear tank and the existing failed air piping be removed in the tank. Without adequate air, the biological process will die and the facility will not be able to meet the Department of Environmental Protections effluent limits and will be out of compliance. Purchasing solicited ITB # 0919. One bid was received from the following company.

- Mass Transfer Systems

The bid was solicited to 571 vendors; only 10 vendors downloaded the bid packet. This equipment is extremely complex and few vendors have the ability to manufacture and provide this type of equipment. Staff is requesting to purchase the Multi-Aspirator without the Control Panel and Guide Rail System options.

Approved by Consent Agenda – to approve award to Mass Transfer Systems at a total cost not to exceed \$47,500.00 in accordance with the City of Deltona ITB # 0919.

* **C. Request for Approval of Renewal of Facility Use Agreement – New Beginnings Church.**

New Beginnings House of Worship has had a Long Term Facility Use Agreement with the City of Deltona for a couple of years. They conduct religious services and are considered a Deltona-based, not-for-profit organization.

New Beginnings utilizes the Craft Room at the Deltona Community Center located at 980 Lakeshore Drive, Deltona, on Sundays, 12:30 p.m. - 2:30 p.m. They are requesting an additional day to conduct services on Tuesday evenings from 7:00 p.m. – 9:00 p.m. This organization will be responsible to pay a Category II Facility Use Fee rate of \$25.00 per hour, less 20%. The annual income to the City for this use equates to: $\$20 \times 4 \text{ hrs.} \times 52 = \$4,160.00$.

New Beginnings House of Worship has met the criteria requirements for a Long Term Facility Use Agreement with the City. Staff recommends a one (1) year Facility Use Agreement upon written agreement by both parties.

Approved by Consent Agenda – to approve the renewal of the Facility Use Agreement with New Beginnings House of Worship for use of the Craft Room

at the Deltona Community Center, Deltona, Florida, for a period of one (1) year.

8. ORDINANCES AND PUBLIC HEARINGS:

A. Transmittal Hearing – Ordinance No. 43-2008, Amending the Comprehensive Plan of the City of Deltona, by Amending the Capital Improvements Element providing for the replacement of the Capital Improvement Project Sheets.

The Capital Improvements Element of the Comprehensive Plan must be reviewed and updated on an annual basis. This requirement is established in Section 163.3177(3) (b). The local government may not amend its future land use map after December 1, 2008 until the local government has adopted the annual update and it has been found in compliance by the Department of Community Affairs (DCA). The capital improvements element amendments shall require only a single public hearing before the governing board which shall be an adoption hearing (s.163.3177 (3) (b) (2) F.S.).

Staff has reviewed the current class “A” capital improvements and summarized expenditures and funds carried forward for the next five years. The City’s Capital Improvements Element has been reviewed to ensure compliance with adopted level of service (LOS) standards. In collaboration with the City’s Finance Department and other City Departments, adjustments have been made to update the Plan.

The Planning and Zoning Board heard this ordinance at their regular scheduled meeting on January 21, 2009, and voted 4-2 to forward Ordinance 43-2008 to the City Commission with a recommendation of approval. In addition, the Board voted to forward the minutes of the meeting to the City Commission as part of the CIE amendment package.

After conducting the public hearing, the Commission voted unanimously to adopt Ordinance No. 43-2008, amending the Capital Improvements Element of the Comprehensive Plan providing for the replacement of the Capital Improvement Project sheets.

9. OLD BUSINESS:

A. Request for approval to award RFP #0915 – Wide Area Network (WAN) Communication Services to Brighthouse Networks – ITS Division (tabled on February 2, 2009).

An RFP was solicited so that the ITS Division could work towards enhancing the City’s Wide Area Network (WAN). This would streamline and standardize our communication platform Citywide. The purpose of this request since the money was already budgeted is to request the Commission’s approval to change from

four (4) vendors to one (1).

Back in the budget work sessions IT explained that the line item was budgeted and would spend three hundred eleven thousand dollars this year on voice and data communications.

IT was charged with finding savings wherever IT could. Upon examining the voice and data infrastructure, IT found that the City has a patchwork of vendors and services mixed throughout the City. IT's evaluation shows a mix of Frame Relay / T-1 / Fractional T-1 / DSL circuits. All old copper wire based technology that is not easily built / installed / repaired. Besides being old and slow they are very expensive to operate and maintain and from our records very unreliable.

The Frame Relay circuits bounce and drop hourly (they are primarily used at the Fire Stations and Deltona Water) and when an issue is reported to the vendor they reply "those circuits will do that occasionally". This performance is unacceptable and a change is needed to allow our Public Safety and Fire personnel access to programs and technology these old circuits cannot support.

Below you will find a monthly and yearly breakdown of data circuits by vendor, with the total for all services provided listed in red.

Provider	Base MRC	Fees	Total MRC	Yearly Costs
AT&T Data	\$4,110.81	\$0.00	\$4,110.81	\$49,329.72
Embarq Data	\$2,347.82	\$287.71	\$2,635.53	\$31,626.36
NuVox Data	\$2,531.19	\$3.30	\$2,534.49	\$30,374.28
BrightHouse	\$2,013.87	\$0.00	\$2,013.87	\$24,166.44
TOTAL	\$11,003.69	\$291.01	\$11,294.70	\$135,496.80

Here is the breakdown of the BrightHouse initiative.

Provider	Base MRC	Fees	Total MRC	Yearly Costs
BrightHouse	\$10,900.00	\$0.00	\$10,900.00	\$130,800.00

By updating our service and consolidating with a single provider the City will realize the following improvements:

- Fiber based communications as opposed to copper. Faster / Easier to install, manage and especially repair;

- Allow for installation of E911 software package that would provide exact facility location in the event of an emergency. Currently the only information that is shown to 911 dispatch is the location of the main PRI circuits not the individual locations that are tied to it;
- Reduced cost of operation;
- Single point of contact for any service issue or event;
- Easier billing and bill audit process;
- Faster connection speeds at all locations. Improvements in Munis and other Legacy platforms require faster processing speeds;
- Bring all City Facilities into our VOIP phone system (additional savings will be realized when all non critical analog phone lines are discontinued due to this move). The Return on Investment (ROI) of the equipment needed for these locations is six months;
- Four (4) digit dialing throughout the City;
- The ability to take credit card payments at all City facilities;
- Possible use of web cams at locations where there is questionable activity either during or after hours.

Additional savings will be realized as the analog requirements will be greatly reduced. Currently pricing for Dial Tone and Long Distance have dropped, this upgrade in the network will allow us to take advantage of these savings.

The savings for budget year 2008 –2009 will be minimal but for budget year 2009 – 2010 and beyond the City should safely see at a minimum a 25% reduction in overall costs for this line item.

[After discussion, the Commission voted unanimously to approve award of RFP #0915 for wide area network \(WAN\) communication services to BrightHouse Networks to be utilized as needed for an agreement period of four \(4\) years.](#)

B. Appointment of one (1) member to the Parks & Recreation Advisory Committee (tabled on February 2, 2009).

One individual recently resigned from the City's Parks & Recreation Advisory Committee: Olga Flores (appointed by Commissioner Denizac – District 1).

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: James Copertino, Gretel McNaney, Valerie Marshall, Pamela Robinson, and Debra Wert.

Commissioner Denizac asked at the February 2nd Commission meeting that this item be tabled to February 16th.

After discussion, the Commission voted unanimously to confirm the appointment of Debra Wert (Commissioner Denizac's appointment) to the Parks & Recreation Advisory Committee for the remainder of a term to expire on December 3, 2009.

10. NEW BUSINESS:

A. Request for Approval for Amendment to the State Housing Initiatives Partnership (SHIP) Program 2004-2006 Local Housing Assistance Plan and Authorization for Submission to Florida Housing Finance Corporation.

In April of 2004 the City Commission approved the State Fiscal Year 2004 – 2006 Local Housing Assistance Plan (LHAP) required to receive funding for affordable housing activities under the State Housing Initiatives (SHIP) Program. The LHAP covers activities funded under the grants for State Fiscal Year 2004/2005, 2005/2006, and 2006/2007, which includes the time period of July 1, 2004 through June 30, 2007.

Funding for each State Fiscal Year shall be expended within two years for compliance with expenditure deadlines. A minimum of 30% of funds shall be expended on very low income households per year for compliance with statutory set-a-sides. Approximately \$90,000 remains in un-programmed funds for program year 2006/2007.

Staff requests the following changes to the 2004-2006 LHAP for consistency in the administration of the down payment and foreclosure assistance activities utilizing previous year funding to meet construction and very low income household statutory set-a-side requirements for compliance with the June 30, 2009 expenditure deadline for State Fiscal Year 2006.

1. Purchase Assistance and Purchase Rehabilitation Assistance activities will be amended to reflect current Purchase Assistance strategy in the 2007-2009 LHAP approved by the City Commission on October 23, 2007.
2. Inclusion of the 2007-2009 LHAP Foreclosure Prevention strategy approved on November 8, 2008 in the 2007-2009 LHAP by the City Commission modified as directed by management to restrict assistance to very low income households; low and moderate income households are not eligible under the 2004-2006 LHAP.
3. Revisions to the 2004-2006 LHAP Foreclosure Prevention Strategy include the exclusion of assistance to SHIP and HHR 2nd/3rd mortgage holders as directed by management.

2004-2006 LHAP - Proposed Revisions: (see attached strike through and underline version)

PURCHASE ASSISTANCE STRATEGY:

a. **Summary of the Strategy:**

This strategy assists eligible first time homebuyers with a deferred payment loan to be applied as gap financing, based on need, towards down payment, closing cost, interest rate buy down and/or principal reduction and rehabilitation, for the purchase of eligible owner-occupied housing which includes single family homes, townhouses, condominiums, villas or state approved modular homes. Eligible housing types under this strategy are existing and newly constructed homes.

b. **Fiscal Years Covered:**

2007/2008; 2008/2009; 2009/2010

c. **Income Categories to be served:**

Household incomes at or below 120% of the area median income, adjusted for household size. For the purposes of the SHIP Program Very Low, Low and Moderate Income Households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by the U.S. Department of Housing and Urban Development (HUD) and distributed by Florida Housing Finance Corporation (FHFC). Preference will be given to applicants below 50%.

d. **Maximum award is noted on the Housing Delivery Goals Charts:**

<u>Income Limit</u>	<u>Max DPA</u>	+	<u>Max Rehab</u>	=	<u>Max Award/ Per Unit</u>
Very Low	\$40,000	+	\$10,000	=	\$50,000
Low	\$30,000	+	\$10,000	=	\$40,000
Moderate	\$20,000	+	\$10,000	=	\$30,000

e. **Terms, Recapture and Default.**

- The maximum Down Payment Assistance for this strategy will be provided in the form of a 2nd mortgage, zero (0%) interest deferred payment, forgivable loan for a term of 30 years.
- When SHIP funds are combined with Florida Housing Finance Corporation Programs for purchase assistance, the SHIP Administrator has the option of offering the City's SHIP funds as a 3rd mortgage, zero interest (0%) deferred payment, forgivable loan for a term of 30 years.
- Repairs to the home, if applicable, may not begin until after the closing; therefore, City SHIP funds will be provide as a subordinate mortgage to the City SHIP funds at zero (0%) interest, deferred payment, forgivable loan for 5 years.
- The deferred payment forgivable loans shall immediately become due and payable to the City if any of the following occurs:
 - Homeowner sells, transfers, or disposes of the property by any means, including bankruptcy, foreclosure, or deed in lieu of foreclosure;
 - Homeowner no longer occupies the unit as their principal

- residence;
- Homeowner dies, or if married couple, the survivor dies; or
- Homeowner refinances their first mortgage or requires subordination for a new second mortgage.
- However, an heir may assume the debt as long as they are income eligible and become the owner-occupant.
- Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a mortgage and a promissory note for the value of the award received. The mortgage encumbering the real property will promptly be recorded in the public records of the Clerk of Courts for Volusia County.

FORECLOSURE PREVENTION ASSISTANCE STRATEGY:

a. **Summary of the Strategy:**

This strategy is used to provide homeowners monthly mortgage payment assistance to avoid foreclosure and retain their homes. This is a one-time assistance per household strategy.

b. **Fiscal Years Covered:**

2004/2005; 2005/2006; 2006/2007

c. **Income Categories to be served:**

Household incomes at or below 120% of the area median income, adjusted for household size. For the purposes of the SHIP Program Very Low, Low and Moderate Income Households are defined in SHIP Statute Section 420.9071. The income limits are annually provided by the U.S. Department of Housing and Urban Development (HUD) and distributed by Florida Housing Finance Corporation (FHFC). Preference will be given to applicants below 50%.

d. **Maximum award is noted on the Housing Delivery Goals Charts:**

Maximum award is as follows:

Income Limit:	Very Low	\$7,500
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e. **Terms, Recapture and Default.**

SHIP funds provided for this activity will be in the form of a grant with no recapture provision. Recipients of SHIP awards will be required to contractually commit to program guidelines. The recipients will execute a grant agreement for the value of the award received.

f. **Recipient Selection Criteria:**

- Funds will be made available on a first come, first complete, first served basis while funds are available;
- Funds are restricted to very low income households.
- Mobile Homes are not eligible for assistance;

- All units assisted will be within the Deltona city limits;
- Applicants are required to submit a completed City of Deltona SHIP Application and provide all written documentation requested of income, eligibility and qualifications; and
- Persons who qualify for SHIP assistance must contractually agree to all SHIP Program guidelines, City of Deltona requirements, recapture provisions and certify that the unit assisted is their principal residence.

g. **Sponsor Selection Criteria, if applicable:**

The City of Deltona may choose a sponsor to assist in the administration of this strategy by advertising using the City of Deltona purchase and procurement guidelines. The sponsors may be a private corporation, a not for profit corporation or a community based organization. Selection will be based on the sponsor's ability to proceed, past experience in related fields, and performance.

h. **Additional Foreclosure Information:**

- Applicants must be at least 2 months in mortgage payments arrears and have received notification in writing from their lender that foreclosure proceedings will begin;
- Applicants who apply for assistance and who need more than the foreclosure assistance that is offered in this strategy must have the additional funds to pay all the remaining unpaid delinquency;
- Applicants must be credit worthy and have sufficient income required to maintain their First/Second Mortgage(s) after foreclosure assistance is received;
- Low Income and Moderate Income households are not eligible for assistance;
- SHIP/HHR second mortgage holders are not eligible.
- Applicants may receive the foreclosure strategy one time only; and
- Applicants must demonstrate through documentary evidence that non-payment of their mortgage is due to one of the following reasons:
 - Sudden Loss of Income;
 - Sudden Medical Expenses;
 - Divorce or Separation;
 - Death in Family; and
 - Unforeseen home repair bills.

The Community Development Manager is directed to expend the remaining 2006 SHIP funds in support of down payment assistance and foreclosure prevention to meet statutory set-a-side requirements by the expenditure deadline of June 30, 2009.

After discussion, the Commission voted unanimously to approve the amendment to State Fiscal Year 2004-2006 Local Housing Assistance Plan and

authorize submission to the Florida Housing Finance Corporation, as required by State Law.

B. Request for waiver of fees – Hispanic American Youth Group of Deltona, Inc.

Maritza Vazquez, President, Hispanic American Youth Group of Deltona, Inc. (HAYGD), 501 C3 has submitted a request to the City for a waiver of the fees associated with holding group meetings and dance practices at the Community Center on Monday and Thursday Evenings from 6:00 to 8:00 PM. At present, they are utilizing the facility on a temporary basis through the end of February. (They are using the craft building, not the main hall which means the rental fee is \$25.00 per hour)

The total fees associated with these meetings and practices are \$ 25.00 per hour x 4 hours per week, totaling \$ 100.00 per week.

After Commission discussion, the applicant withdrew the request for waiver of fees.

C. Discussion re: Community Mailboxes.

At the request of the Mayor and the City Manager, Planning & Development Services' staff has held meetings with representatives of the United States Postal Service to determine the means whereby U.S. mail delivery could be routed off of major roadways in the City of Deltona. The benefits of this plan include:

- Improved traffic safety; the elimination of the address-to-address stop and go of mail delivery vehicles along Deltona's thoroughfares would significantly reduce the likelihood of traffic accidents.
- Improved traffic flow; the elimination of the address-to-address stop and go of mail delivery vehicles along Deltona's thoroughfares would significantly improve traffic flow.
- Improved mail security; the utilization of lockable, durable and multi-compartmental mailboxes, as supplied and installed by the United States Postal Service, greatly reduces the possibility of mail and identity theft.
- Increased energy efficiency; the elimination of the address-to-address stop and go of mail delivery vehicles along Deltona's thoroughfares would significantly improve the fuel efficiency of the delivery vehicles and also reduce the City of Deltona's overall carbon footprint.
- Improve the efficiency of the City of Deltona's Public Works Department roadway maintenance program by making the mowing of the roadway swales less labor intensive.
- The removal of mail boxes from the roadsides in question will improve the appearance of those neighborhoods.

It is worth noting that the United States Postal Service has in place policies

ensuring mail delivery to people with special needs and that the adoption of this Ordinance will in no way impact those policies.

After discussion, the Commission voted unanimously to allow staff to bring the item forward for first reading.

D. Discussion re: Naming of Walking Trail at Wes Crile Park.

On April 14, 2008, during the Commission Work Study Workshop, the Commission requested that the Facility Naming Policy be brought up for discussion at the Regular Commission Meeting on May 5, 2008.

On May 5, 2008, the Commission after discussion concurred to table this item to allow staff to revise the Policy for the Naming/Renaming of Deltona Parks, facilities, and/or buildings with the following changes: advertise on the website suggested names for parks either of people or creative names for parks, the City's Senior Advisory Sub-Committee meet once to make their recommendations which will be brought before the City Commission for final approval.

On May 10, 2008, the Parks & Recreation Senior Sub-Committee was informed that the policy will be presented for discussion purposes to the Commission at the Regular Commission Meeting on May 19, 2008.

On May 19, 2008, the Commission voted not to approve staff's recommendation to formalize a policy.

On June 9, 2008, the Parks & Recreation Advisory Committee was informed at their meeting that the Commission was not supportive of instituting a formal policy.

On July 14, 2008, the Parks & Recreation Advisory Committee made a motion to propose to the City Commission; that the Wes Crile Walking Trail be named in honor of William S. Harvey. The motion was properly seconded and all Committee members were in agreement.

After discussion, the Commission concurred to:

- To have the Parks & Recreation Advisory Committee and the Senior Advisory Sub-Committee research and provide as many names as possible to bring forward to the Commission for consideration;
- To include Mr. Gus Dowles as one of the names for consideration;
- To provide a biography with each name that is presented; and
- To have something more substantial named after former Vice Mayor William S. Harvey.

E. Presentation by Mayor Mulder.

After discussion, the Commission voted 6 to 1 (Mayor Mulder voted against the

motion) on Commissioner Zischkau's subsidiary motion to the main motion to exclude Commissioner Denizac, Commissioner McFall-Conte and Commissioner Zischkau from the actions outlined in the main motion.

After discussion, the Commission voted 4 to 3 (Commissioner Denizac, Commissioner McFall-Conte, and Commissioner Zischkau voted against the motion) for the City to provide reimbursement and expenditures of legal fees to protect both proactively and reactively the City as a government including its employees and its Mayor and those members who wish to be represented in this motion, Commissioner Treusch, Commissioner Deyette, Vice Mayor Carmolingo and Mayor Mulder where needed from material damages, slanderous or libelous comments or claims and unsubstantiated allegations past, present and future where the Mayor feels is needed and that a report of fees expended be made available to the public so they may see the extent of damage that has been caused.

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.