

AFTER ACTION AGENDA REPORT

REGULAR CITY COMMISSION MEETING TUESDAY, SEPTEMBER 8, 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 17, 2009.
 2. Regular City Commission Meeting – August 17, 2009.

Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to adopt the minutes of the Special City Commission Meeting of August 17, 2009 and the Regular City Commission Meeting of August 17, 2009 as presented.
 - B. Additions or Deletions to Agenda:
5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Employee of the Quarter Awards.
 - B. Certificate of Recognition – Sheriff’s Office Employee of the Quarter – Sergeant Jimmie Carlisle.
 - C. Proclamation – Ovarian Cancer Awareness Month – September 2009.
 - D. Proclamation – Al and Denise Jadeid.

- E. **Presentation re: Volusia Honor Air.**
- F. **Presentation re: Cluster mailboxes – Postmaster Jeff Straker.**
- G. **Presentation – City’s Water Supply Facilities Work Plan and proposed amendments to the existing text of the Comprehensive Plan Future Land Use, Infrastructure, Conversation, Intergovernmental Coordination, and Capital Improvements Elements to comply with the Florida Statute requirements.**

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

CONSENT AGENDA: All items marked with an * will be considered by one motion unless removed 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. **Award of Bid No. 0932 Vicksburg Well Raw Watermain Extension.**

The Water Department is requesting approval to award Bid No. 0932, Vicksburg Well Raw Water Main Extension Project, to McMahan Construction Co., Inc. The work consists of furnishing all labor, equipment, and materials for the construction of the Raw Water Main from Vicksburg to the storage tank at the Normandy Blvd. Water Treatment Plant. This project will increase the reliability for fire flow and pressure in the North Normandy area.

There we 787 Contractors notified of this bid and there were 55 plan holders. Eight bids were received. Staff has checked the references and has also previously contracted with McMahan Construction Co., Inc. out of Deland, Florida. Staff is recommending award to the low bidder, McMahan Construction Co., Inc. at a total cost of \$193,174.00. The project will be substantially completed within 150 days of Notice of Award with final completion 30 days after that. A bid tabulation and the bid from McMahan Construction Co., Inc. are attached.

Approved by Consent Agenda - to award the Vicksburg Well Raw Water Main Extension Project to McMahan Construction Co., Inc. at a total cost of \$193,174.00.

- *B. **Selection of Vendors to Assist with the City of Deltona’s Neighborhood Stabilization Program (NSP).**

The City of Deltona received \$6,635,909.00 from the U.S. Department of Housing

and Urban Development on March 20, 2009. This was in keeping with similar awards to communities in Florida throughout 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:

- *Existing bank-owned properties*
- *Units in disrepair needing rehabilitation or reconstruction*
- *Relocation of individuals to improve their housing condition*
- *Work-force housing*
- *Demolition*
- *Property rental*
- *Construction of units*
- *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 \$6,635,909.00 which is 13% greater than the allotment to the City for its Community Development Block Grant program. To address capacity concerns, HUD has approved the use of outside professional consultants to assist Planning and Development Services staff to achieve completion of the program.

Purchasing previously solicited proposals from companies to provide services. The Commission approved the award of the companies recommended by the Selection Committee. Several of the RFP's were then re-solicited to add additional qualified companies to the existing lists. Purchasing received proposals from qualified companies to provide Housing Counseling Services, Real Estate Broker Services, Property Management Services, Appraisal Services and Real Estate Legal Services.

Approved by Consent Agenda - to approve entering into agreements with each of the recommended companies for the Neighborhood Stabilization Program for Housing Counseling, Real Estate Broker Services, Appraisal Services, Property Management Services and Real Estate Legal Services.

8. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Resolution No. 2009-27, Adopting the Tentative Millage Rate for FY 2009/210.**

State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2009) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 21, 2009.

At this hearing, the City will:

- Amend the tentative budget and re-compute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage exceeds the rolled-back rate.*
- Adopt a tentative millage (Resolution No. 2009-27) and budget (Resolution No. 2009-28), in that order.*
- If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (5.43755), each taxpayer within the City must be notified of the increase by first class mail.*
- The adopted tentative millage and budget will be used to advertise the final hearing scheduled for September 21, 2009.*

After conducting the public hearing, the Commission voted 4 to 3 (Commissioner Denizac, Commissioner Deyette, and Commissioner Zischkau voted against the motion) to approve Resolution No. 2009-27, adopting the tentative millage rate of 5.43755 mils for the levy of ad valorem taxes for fiscal year 2009/2010.

B. Public Hearing – Resolution No. 2009-28, Adopting the Tentative Annual Budget for FY 2009/2010.

State law requires that the City hold a public hearing on the tentative budget and proposed millage rate between 65 and 80 days from the date (July 1, 2009) of certification of taxable value provided by the Property Appraiser. This hearing was publicized via the TRIM Notice mailed by the County Property Appraiser on or about August 21, 2009.

At this hearing, the City will:

- Amend the tentative budget and re-compute its proposed millage rate, and publicly announce the percent, if any, by which the recomputed proposed millage exceeds the rolled-back rate.*
- Adopt a tentative millage (Resolution No. 2009-27) and budget (Resolution No. 2009-28), in that order.*
- If the tentatively adopted millage rate exceeds the proposed rate presented in the TRIM Notice (5.43755), each taxpayer within the City must be notified of the increase by first class mail.*

- *The adopted tentative millage and budget will be used to advertise the final hearing scheduled for September 21, 2009.*

After conducting the public hearing, the Commission voted 4 to 3 (Commissioner Denizac, Commissioner Deyette, and Commissioner Zischkau voted against the motion) to approve Resolution No. 2009-28, adopting the tentative General Fund, Special Revenue Funds, Enterprise Funds, Capital Projects Funds, and Capital Equipment Fund budgets for fiscal year 2009/2010.

C. Public Hearing – Resolution No. 2009-29, Establishing Annual Rate of Assessment for Solid Waste Services for FY 2009/2010.

The Solid Waste Collection System is based on operational and capital need, and is funded by fees levied to the property owners in the City.

Ordinance No. 96-49, authorizes the imposition and collection of solid waste assessments against property throughout the City of Deltona. Section 2.08, Adoption of Annual Rate Resolution, requires that the City Commission adopt an Annual Rate Resolution during its budget process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution as described in Section 2.08, which was adopted on July 14, 2009. Attached is the Annual Rate Resolution for solid waste assessments. The annual assessment rate for FY 09/10 is proposed at \$132.00 which reflects no increase from the rate for the current fiscal year

After conducting the public hearing, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve Resolution No. 2009-29, Annual Rate Resolution - Solid Waste Assessments for FY 09/10 to provide for continuing the current annual rate of \$132.00 for solid waste collection services.

D. Public Hearing – Resolution No. 2009-30, Establishing Annual Rate of Assessment for Stormwater Utility Services for FY 2009/2010.

The Stormwater Utility System is based on operational and capital need, and is funded by fees levied to the property owners in the City. City staff is continuing to review the system, but at this time no change is recommended in these fees.

Ordinance No. 96-48, authorizing the imposition and collection of stormwater utility assessments against property throughout the City of Deltona, Section 2.08, *Adoption of Annual Rate Resolution*, requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution as described in Section 2.08, which was adopted on July 14, 2009. Attached is the Annual Rate Resolution for stormwater utility assessments.

After conducting the public hearing, the Commission voted 6 to 1 (Commissioner Zischkau voted against the motion) to approve Resolution No. 2009-30, Annual Rate Resolution - Stormwater Utility Assessments for FY 09/10 at the current rate of \$76.11 per Equivalent Residential Unit (ERU).

E. Public Hearing – Resolution No. 2009-31, Establishing Annual Rate of Assessment for Streetlighting Services for FY 2009/2010.

The Streetlighting Services System is based on operational and capital need, and is funded by fees levied to the property owners in the City. City staff is continuing to review the System, but at this time no change is recommended in these fees.

Ordinance No. 96-47, authorizing the imposition and collection of streetlighting assessments against property throughout the City of Deltona, Section 2.08, Adoption of Annual Rate Resolution, requires that the City Commission adopt an Annual Rate Resolution during its budget adoption process for each fiscal year. The proceedings for adoption of an Annual Rate Resolution require the adoption of a Preliminary Rate Resolution as described in Section 2.08, which was adopted on July 14, 2009. Attached is the Annual Rate Resolution for streetlighting assessments.

After conducting the public hearing, the Commission voted unanimously to approve Resolution No. 2009-31, adopting the current rate for Streetlighting Assessments for FY 09/10.

9. OLD BUSINESS:

10. NEW BUSINESS:

A. Consideration of appointment of one (1) member to the City's Planning & Zoning Board (Mayor Mulder's appointment).

Mr. John Porta (appointed by Mayor Mulder) to the City's Planning & Zoning Board has resigned from the Board effective July 1, 2009. The City has run a press release, and posted the opening on the City's WebPage, D-TV and City bulletin boards. To date, the City has received applications from the following interested individuals: Noble Olasimbo, AICP, Diane Marinaro Tyler and Adam Walosik.

After discussion, the Commission voted unanimously to table the appointment of one member to the Planning & Zoning Board.

B. Request for approval of Resolution No. 2009-26, Amending the City of Deltona State Housing Initiatives Partnership (SHIP) Local Housing Assistance Plan Covering State Fiscal Year 2008-2010; including any and all

amendments relating to CDBG, DCBG-R, HOPWA, SHIP, and FHOP to fulfill the requirements of the U.S. Department of Housing and Urban Development and Florida Statutes 420.9076.

The City of Deltona is an affordable housing service. The City maintains a Community Development section within the Planning and Development Services Department that is responsible for the administration and fiscal reporting of the Local Housing Assistance Plan. It is the guiding document for the City in concert with the U.S. Department of Housing and Urban Development (HUD) and the State of Florida.

In addition and equally important, the LHAP has to be in concert with the City's annual budget, such that the two are consistent. This serves to ensure that money is being spent, spent within the parameters of the grant award, and ensures that the City is managing those funds accurately.

Further, on June 22, 2009, the Florida Housing Finance Corporation (FHFC) announced the anticipated SHIP funding of \$92,321 for program year 2009/2010 in response to the legislative provisions requiring SHIP local governments to expend 2009/2010 funds on residents of Florida that derive the maximum possible economic benefit from the Federal First Time Homebuyer Tax Credit created through the American Recovery and Reinvestment Act of 2009 (ARRA). This provides subordinate down payment assistance loans to first-time homebuyers for owner-occupied primary residences that can be repaid by the income tax refund the homebuyer is entitled to under the First Time Homebuyer Credit. The program is titled the Florida Homebuyer Opportunity Program (FHOP).

The funds must be expended under the newly created Florida Homebuyer Opportunity Program strategy in the City of Deltona's Local Housing Assistance Plan (LHAP) and meet program requirement of providing aid to eligible persons with adjusted gross incomes up to \$75,000 for single taxpayers or \$150,000 for a joint file with no reserve requirements for very low income persons, low income persons, construction, rehabilitation, or emergency repairs.

A three (3) year LHAP is required to receive State Housing Initiatives Partnership (SHIP) Program funds. The current three (3) year LHAP for Program Years 2007, 2008, and 2009 was approved by the City Commission on April 2, 2007. However, the approved LHAP does not include a strategy for the FHOP. Thus, staff is requesting approval of a technical revision to include the newly created Florida Homebuyer Opportunity Program strategy to the current approved LHAP.

After discussion, the Commission voted unanimously to approve the revised Resolution No. 2009-26 without the third "WHEREAS" clause and the heading strikeouts referenced below for amendments only to the Local Housing Action Plan in keeping with the City's General Fund and State and Federal Regulations for proper administration of State and Federal affordable housing

dollars. The referenced strikeout in the heading of the Resolution is that language which is in all caps beginning "INCLUDING ANY AND ALL AMENDMENTS RELATING TO CDBG, CDBG-R, HOPWA, SHIP, NSP, AND FHOP".

C. Discussion re: Parameters for Acting City Attorney (requested by Commissioner Deyette).

Commissioner Deyette has requested that an agenda item be included on the September 8th Commission agenda regarding parameters for the Acting City Attorney. Attached for your information are the letters of interest and first invoice from Fowler, O'Quinn, Feeney & Sneed, P.A.

Commission discussed parameters for the Acting City Attorney, no formal motion was adopted. Majority of Commission agreed that no staff changes were to take place during the interim period, that the Acting City Attorney needs to use the City staff currently in place to assist with legal matters to help reduce the City's outside legal costs, and to work on Commission and City Manager legal priorities.

D. Discussion re: Selection process for full time City Attorney (requested by Commissioner Denizac).

The City Charter provides for the following in Section 7, Charter Officers:

"(d) Filling of vacancies. The City Commission shall begin the process to fill a vacancy in the Charter Office of the City Manager or City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Commission during a vacancy in office."

Commissioner Denizac has requested that discussion regarding the selection process for a full-time City Attorney be held at the September 8th Commission meeting.

Attached for your information are copies of the agenda memo and Commission meeting minutes from the December 10, 2007 Commission meeting whereby the previous City Attorney selection process was decided.

Commission concurred to follow process similar to the last City Attorney selection; ad to be prepared to include options for an in-house attorney or outside counsel and to advertise in the Volusia Bar, Florida Bar and nationally as soon as possible.

E. Discussion re: City Manager Performance Evaluation process.

The City Commission approved selection of the current City Manager on October 6, 2008. Section 12, Performance Evaluation, of the Employment Agreement

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."

To date the Commission has not formally selected a performance appraisal form or an appraisal process for the City Manager's position. Attached are sample performance appraisals forms for your consideration. If none of the suggested forms are acceptable to the Commission, the Commission will need to provide further direction to staff.

Commission concurred to use Form #3 included in the agenda item as the evaluation form for the City Manager.

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.