

AFTER ACTION AGENDA REPORT

REGULAR CITY COMMISSION MEETING
MONDAY, JULY 20, 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 – June 15, 2009.
 2. Special City Commission Meeting – July 9, 2009.
 3. Special City Commission Meeting – July 14, 2009.

Commission voted unanimously to adopt the minutes of the Regular City Commission Meeting of June 15, 2009, Special City Commission Meeting of July 9, 2009 and Special City Commission Meeting of July 14, 2009 as presented.

- B. Additions or Deletions to Agenda:

City Manager asked that Item 7-A be tabled to August 3, 2009 and the Commission concurred.

Commission voted 4 to 3 (Commissioner Deyette, Commissioner Treusch and Mayor Mulder voted against the motion) to add-on Item 10-C, Discussion re: water rate increase, at the request of Commissioner Denizac.

5. PRESENTATIONS/AWARDS/REPORTS:
 - A. Presentation – Quarterly Board Reports of City Advisory Board/Committees.

B. Presentation and Selection for award of RFQ #0933 for Engineering Services for the Wastewater Treatment Plant Final Design and Permitting.

After presentations by the three (3) top ranked firms and Commission discussion, the Commission voted 6 to 1 (Commissioner Deyette voted against the motion) to select Baskerville-Donavan, Inc. for the Wastewater Treatment Plant and confirm staff's rankings.

C. Presentation – Special Assessment District of Fire Protection Services – Burton and Associates.

After discussion, the Commission voted 4 to 3 (Commissioner Denizac, Commissioner McFall-Conte, and Commissioner Zischkau voted against the motion) to accept the report regarding possible implementation of a City-wide Fire Special Assessment District to aid in the funding of providing fire protection services to the residents of Deltona as presented by Burton and Associates, and to direct staff to proceed with steps necessary to create a City-wide Special Assessment District at the 35% cost recovery rate.

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. Selection of Companies for 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:

- 1. Existing bank-owned properties*

2. *Units in disrepair needing rehabilitation or reconstruction*
3. *Relocation of individuals to improve their housing condition*
4. *Work-force housing*
5. *Demolition*
6. *Property rental*
7. *Construction of units*
8. *Administration fees*

In addition to the above, the City is under mandate from HUD to address capacity concerns (staff resources to administer the program). As such, the City is considered an at-risk community to be monitored by HUD, based on receipt of the predetermined award of \$6,635,909.00 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. These include Housing Counselors, General Contractors, Real Estate Brokers, Property Managers, Inspectors and Appraisers. Purchasing received proposals from qualified companies to provide Housing Counseling Services, General Contractor Services, Real Estate Broker Services and Property Management Services. Proposals for Inspector Services, Appraisal Services and Legal Services are due on July 23, 2009.

Item tabled to August 3, 2009.

***B. Request for approval of Facility Use Agreement for Henkels & McCoy (TechBridge).**

Henkels & McCoy (TechBridge) has had a Long Term Facility Use Agreement with the City of Deltona since 2006. They are a Pennsylvania based, for-profit Corporation with a focus to increase opportunities for educational, vocational and employment programs for youths between the ages of 16 and 21.

TechBridge accesses the classrooms and a limited storage area at the Harris M. Saxon Community Center, located at 2329 California Street, Monday through Thursday from 8:30 AM to 2:00 PM and Fridays from 9:00 AM to 1:00 PM (September through May).

TechBridge has met the criteria requirements for a Long Term Facility Agreement with the City. This organization will be responsible to pay \$200.00 monthly for access to the two-room, classroom area and an additional \$85.00 monthly charge for access to the City's copier and Friday usage (\$25.00 for copier use and \$60.00 for Friday office use). Copies will be limited to 500 copies monthly. As

established by the City Commission on July 17, 2006 rental fees and charges are to be paid in full no later than the 5th day of each month.

Staff recommends a one (1) year Facility Use Agreement with this organization.

Approved by Consent Agenda – to approve the renewal of the Facility Use Agreement with Henkels & McCoy for use of the Harris M. Saxon Community Center for a period of one (1) year effective July 20, 2009 through July 20, 2010.

***C. Resolution No. 2009-18, declaring certain property of the City as surplus and authorizing the sale or disposal of such property.**

Over time certain items of the City become obsolete or lose their usefulness via replacement, upgrade, or they are no longer functional and need to be declared surplus or disposed of by the most appropriate means available. The resolution declares certain vehicles, equipment and miscellaneous items as surplus.

The City has had annual auctions for the past several years which were very successful. This has been determined to be the most profitable way of disposal. This year will be the first online auction through www.govdeals.com.

GovDeals will charge 7.5% for each item sold. Although we would have to pay them, we would save money in other areas such as overtime costs for all those involved in working the auction or transporting all of the items to an offsite auctioneering company and paying storage costs to store items until the annual auction. The items can be put up for auction at any time throughout the year. It is also likely that with their customer base of approximately 150,000, we would get more for the items sold. We reserve the right to utilize a different disposal method in the future if we choose.

The auction is open to the public. In addition to the advertising that will be done by the auction company, City of Deltona residents will be notified through their Water bill of the auction date.

Approved by Consent Agenda – to adopt Resolution No. 2009-18 declaring certain property of the City as surplus and authorizing the sale or disposal of such property.

8. ORDINANCES AND PUBLIC HEARINGS:

- A. Public Hearing - Ordinance No. 12-2009, Amending the Future Land Use Map by changing the designation of approximately 120 acres from County Forestry Resource and County Agricultural Resource to City Low Density Residential and Conservation generally located northeast of Pine Ridge High School, and amending the Future Land Use Element of the City of Deltona's**

Comprehensive Policy Plan by adding Goal 4, Objective R, and Policy R1 to address the development on individual properties within the City, for first reading (Project No. CP09-002).

This property was annexed into the City of Deltona on November 1, 2004 by the adoption of Ordinance No. 25-2004. The Volusia County land use designations of Forestry Resource (1 dwelling unit per 20 acres) and Agricultural Resource (1 dwelling unit per 10 acres); and Volusia County zoning classifications of Forestry Resource (FR) and Agricultural Resource (A-1) were retained. This property has been referred to in the past as the "Pinder" amendment. The City of Deltona initiated a Future Land Use Map amendment in 2005 for the "Pinder" property. The intent was to change the County land use designations to City Low Density Residential, with an allowable density range of 0 to 6 dwelling units per acre. On February 16, 2005, the Planning and Zoning Board recommended that the City Commission transmit the proposed Future Land Use Map amendment.

On March 21, 2005, the City Commission approved transmittal of the amendment to the Volusia Growth Management Commission (VGMC) and the Department of Community Affairs (DCA). The property owner voluntarily limited the density from a maximum of 6 dwelling units per acre, as would be permitted in the City's Low Density Residential category, to a maximum density of 2.85 dwelling units per acre. In addition, a portion of the property contains extensive wetland acreage that is proposed for the Conservation category. On May 24, 2006, the VGMC did not accept the 2.85 dwelling unit per acre density as transmitted by the City. The VGMC approved the amendment with a maximum density of one (1) dwelling unit per one (1) acres, along with other conditions.

On June 30, 2006, the property owner filed an appeal of the VGMC decision in Circuit Court and asked the City to be a party to the suit. The City was also asked to adopt the Future Land Use Map amendment at a density of 2.85 dwelling units per acre. On August 21, 2006, the City Commission decided not to join the applicant's court appeal of the VGMC certification. However, the City Commission directed staff to draft Ordinance No. 07-2005, approving the amendment at a maximum density of 2.85 units per acre.

On November 13, 2006, the City of Deltona received a letter from VGMC requesting the City to reconsider the final adoption of Ordinance No. 07-2005. As part of this letter, VGMC explained that the Certification is binding, and if challenged by the City, the City's Comprehensive Plan would be rendered unenforceable. On November 20, 2006, the City Commission voted unanimously to table Ordinance No. 07-2005 until the property owner's appeal to the Circuit Court was decided upon. On January 14, 2008, the Circuit Court denied the property owner's petition.

On September 15, 2008, the owner/applicant submitted an application requesting a Future Land Use Map amendment for the property in reference. The applicant requested to change the designation on the map from County Forestry Resource

and County Agricultural Resource to City Low Density Residential (0-6 units/acre) (103.4 acres) and Conservation (38.8 acres). The applicant proposed to cap the number of units at 334 units. However, on April 20, 2009, the City Commission did not transmit Ordinance No. 04-2009 to the Florida Department of Community Affairs. Reasons cited by the Commission for not transmitting the amendment included questions associated with traffic, density, product type, and environmental protection.

Finally, on May 19, 2009, the owner/applicant resubmitted a Future Land Use Map amendment application requesting to change the designation of approximately 120 acres from County Forestry Resource and County Agricultural Resource to City Low Density Residential (0-6 units/acre) (60 acres) and Conservation (60 acres). This time the applicant is proposing to cap the density to a maximum of two (2) dwelling units per acre; which would yield up to 240 units.

On June 17, 2009, the City Planning and Zoning Board heard the subject amendment application. The Planning and Zoning Board voted five to one (one member absent) to forward the Ordinance to the City Commission with a recommendation that the City Commission transmit the amendment to the Florida Department of Community Affairs.

After conducting the public hearing, the Commission voted unanimously to approve Ordinance No. 12-2009 at first reading and to direct staff to transmit the Ordinance changing the future land use designation of 120 acre site from County Forestry Resource and Agriculture Resource to City Conservation (60 acres) and Low Density Residential (60 acres) and to transmit the proposed Future Land Use Element text amendments to the Florida Department of Community Affairs.

9. OLD BUSINESS:

A. Discussion re: employment of City Attorney.

On July 6th, the Commission voted 4 to 2 to suspend the City Attorney, George Trovato, with pay from his position for a period of two (2) weeks or until the next Regular City Commission Meeting (July 20th) or whichever comes later. Subsequently, on July 9th, the Commission voted 4 to 0 to stop payments of the City Attorney's salary effective immediately for the remainder of the suspension.

This agenda item is included for the Commission to determine the status of the City Attorney's position and to direct staff accordingly.

After discussion, the Commission voted 5 to 2 (Commissioner Deyette and Commissioner Treusch voted against the motion) to direct the Acting City Attorney and Commissioner McFall-Conte to negotiate a resignation severance agreement with Mr. Trovato and that in it include a hold harmless agreement and an agreement that Mr. Trovato will not talk despairingly

about the City in the media and that Mr. Trovato's suspension with pay be continued until the next Commission meeting or before if an agreement is reached before August 3rd.

10. NEW BUSINESS:

A. Appointment of one (1) member to the City's Beautification Advisory Board.

Mr. Leon O. Walkins (appointed by Commissioner Zischkau – District 2) to the City's Beautification Advisory Board has resigned from the Board effective June 15, 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: Jason Bridgewater and Robert Echevarria.

Item tabled to August 3, 2009.

B. Re-appointment of Charles Cino as the City of Deltona's Special Magistrate.

At the Special City Commission meeting held on July 9th, the Commission asked that an agenda item be included on the July 20th Commission agenda to re-appoint Charles Cino as the City's Special Magistrate. As you are aware, Mr. Cino was selected to serve as Acting City Attorney for two weeks and he is unable to serve in both roles at the same time.

After discussion, the Commission voted unanimously to table this item until the next City Commission Meeting.

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.