



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor Heidi K. Herzberg
Vice Mayor Victor M. Ramos
Commissioner Maritza Avila-Vazquez
Commissioner Anita Bradford
Commissioner Loren King
Commissioner Robert D. McFall
Commissioner Chris Nabicht

Monday, April 15, 2019

6:30 PM

Deltona Commission Chambers

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

A. [Invocation Presented by Mayor Herzberg.](#)

Background:

At the Regular City Commission Meeting on Monday, October 17, 2011, the City Commission approved to have each Commissioner by District schedule someone to present the invocation at each Regular City Commission meeting rotating each Commissioner by District starting with District #1, #2, #3, #4, #5, #6 and the Mayor.

4. APPROVAL OF MINUTES & AGENDA:

A. [Approval of minutes of the Regular Commission Meeting of April 1, 2019, as presented. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Background:

N/A

Attachments:

[April 1, 2019 Minutes](#)

5. PRESENTATIONS/AWARDS/REPORTS:

A. [Presentation - George Recktenwald, Volusia County Manager introduction. Jane K. Shang, City Manager, \(386\) 878-8850.](#)

Strategic Goals: Internal/External Communication

Background:

Volusia County's new County Manager, George Recktenwald, will provide an introduction and an update on Volusia County projects within

the City of Deltona.

- B. [FY 2017 / 2018 Annual Audit Presentation: Comprehensive Annual Financial Report for the Year Ended September 30, 2018 - Audit Team from Purvis, Gray and Company - Camille Hooper, Finance Department - \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues - Maintain current fiscal stability, maximize alternative funding sources and promote an effective system of checks and balances](#)

Background: The City's Auditors, Purvis, Gray & Company, will make a presentation of the City's Comprehensive Annual Financial Report (CAFR) for the year ended September 30, 2018.

Attachments: [FY 17-18 CAFR](#)

- C. [Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

Background: Quarterly Reports of City Advisory Boards/Committees:

- 1) Parks and Recreation Advisory Committee - (No Meetings)
 - Senior Advisory Sub-Committee
 - Youth Advisory Sub-Committee
 - Citizen Accessibility Advisory Sub-Committee
- 2) Affordable Housing Advisory Committee - (Written Report Only)
- 3) William S. Harvey Deltona Scholarship Advisory Board - (Written Report Only)
- 4) Ordinance Review Committee - (Written Report Only)

Attachments: [AHAC 1st Quarter Report 2019](#)
[WSH 1st Quarter Report 2019](#)
[ORC 1st Quarter Report 2019](#)

- D. [Presentation - William S. Harvey Deltona Scholarship Award Certificates - Joyce Raftery, City Clerk's Department \(386\) 878-8500.](#)

Background: In recognition of scholastic achievement and commitment to demonstrating leadership in our community and at their schools. We, the Mayor, City Commission and the William S. Harvey Deltona Scholarship Advisory Board of the City of Deltona, Florida, proudly present these scholarship awards, on this 15th day of April, 2019.

The recipients for the \$1,000 scholarship award are:
Lacy Rose Morgan, Pine Ridge High School

Ashley Wilder, Deltona High School
Wadrika Duprat, Pine Ridge High School
Nicole Polcyn, Deltona High School
Dariana Florez, Pine Ridge High School
Loren De Diego, Pine Ridge High School
Alejandra Irizarry, Deltona High School
Courtney Frederick, Daytona State College
Madeline McCullen, Pine Ridge High School
William Hamilton, Daytona State College

The recipients for the \$1,500 scholarship award are:

Yasmin Kim, Trinity Christian Academy
Steven Peterson, Trinity Christian Academy
Kayla Hamilton, Pine Ridge High School
Denaijah Williams, Seminole State College

The recipient for the \$2,000 scholarship award is:

Aaron Yurcisin, Trinity Christian Academy
Citlali Jimenez, University High School
James Parrish, University of Florida

The recipient for the \$2,500 scholarship award is:

Brina Akinola, Pine Ridge High School
Allyson Martinez, University High School

The recipient for the \$3,000 scholarship award is:

Adeleke Gbadamosi, Deltona High School

- E. [Budget Amendment #2 for FY 2018-19 - Camille Hooper, Finance Department, \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues - Maintain a Balanced Budget](#)

Background:

The Commission approved the annual budget for FY 2018-19 on September 17, 2018. Staff is submitting Budget Amendment #2 a summary of budget adjustments corresponding to Commission-approved items from the 2nd quarter of the fiscal year.

Attachments:

[2019-023 Exhibit A Tree Replacement](#)
[2019-023 Attachment to Exhibit A Tree Replacement](#)
[2019-024 Exhibit B Dewey Boster Park Fitness Stations](#)
[2019-028 Exhibit C Dewey Boster Park Playground Repla](#)

6. CITY COMMISSION SPECIAL REPORTS, REQUESTS AND DISCUSSION TOPICS:

7. PUBLIC FORUM: Citizen comments are limited to issues and concerns not on the agenda and comments on items listed on the agenda will take place after discussion of each item. Please be courteous and respectful of the views of others. Personal attacks on Commission members, City staff or members of the public are not allowed, and will be ruled out of order by the Mayor.

Citizen comments for any items. (4 minute maximum length per speaker)

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

- A. [Request for approval of extension of contract for professional external audit services with Purvis Gray and Company, LLC - Camille Hooper, Finance \(386\) 878-8552.](#)

[Strategic Goal: Fiscal Issues](#)

Background:

The City is required to obtain an annual audit of its financial statements. Purvis Gray and Company, LLC, is offering an extension to their current contract with the City to perform the annual audit through fiscal year 2021. The terms of the extension provide for a reduction from the current fee for the FY2019 and FY2020 audits, and a fee for the FY2021 audit unchanged from FY2018 (the most current audit). The City also has the option to extend the contract for two additional years for the FY 2022 and FY 2023 audits, with the rate to be negotiated at that time.

Continuance of these professional services allows for efficiency through the firm's knowledge of the City and also ensures objectivity via rotation of assigned audit staff. Rates proposed in this extension are comparable to those charged for audit services to other entities, and vendor has demonstrated experience performing equivalent services for Deltona and other governments. Staff recommends approval of the extension, and upon approval authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: [Purvis Gray Engagement Letter](#)

- B. [Request for approval of Settlement via Stipulated Final Judgement in City of](#)

[Deltona v. Estate of Leonor M. Del Llano, Et Al., Case No.: 2016-10784-CIDL - Marsha Segal-George, Asst. City Attorney/B. Scott George, Esquire, City Attorney's Office \(386\) 878-8873.](#)

Background:

This case involves property acquired by the City in 2016 via eminent domain. The City acquired the property by virtue of this case several years ago, however a final judgement was never entered due to the lack of response from the then landowners. One of these landowners, Maria Mercedes Dominguez, is a 96-year-old woman living out of state. Due to her age and her distance from the property in Deltona, she missed the 2016 notices that were properly sent by the City. As such the City was able to acquire the property at the appraised value but the case remained open. In 2018 Ms. Dominguez became aware that the property had been acquired by the City and as a sign of goodwill the City Attorney's office did not object to Ms. Dominguez reentering the case.

To that end, Counsel for Ms. Dominguez and the City have negotiated a fair settlement as to the above-mentioned property in this case. The total amount paid for the property is well within the market value range for the 2016 real estate market under this settlement. By approving of this settlement, the City can avoid lengthy court proceedings and the potential costs of Ms. Dominguez's counsel hiring expert witnesses to raise the property value-costs which the City is obligated by law to cover in eminent domain cases. Additionally, there could have been significantly higher attorney's fees in this matter had the parties not reached this proposed settlement.

The City Attorney's office recommends that the Commission move to approve of this proposed settlement agreement. Upon approval authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: [Stipulated Final Judgement](#)

9. ORDINANCES AND PUBLIC HEARINGS:

- A. [Public Hearing - Resolution No. 2019-18, Request for approval of the 2019-2020, 2020-2021 and 2021-2022 SHIP Local Housing Assistance Plan - Ron Paradise, Director, Planning and Development Services \(386\) 878-8602.](#)

[Strategic Goal: Fiscal Issues, Maintain On-going Grants.](#)

Background:

The City is an entitlement community and receives funds from the Florida Housing Finance Corporation (FHFC) through the Strategic

Housing Initiatives Partnership (SHIP) program. Every local government that participates in the SHIP program is required to adopt a Local Housing Assistance Plan (LHAP). A LHAP contains strategies that outline how SHIP money can be allocated within an entitlement community.

The FHFC requires that a local government LHAP be updated every three years. The intent is to ensure a plan does not become stale and it reflects current community values. To adhere to the FHFC LHAP update requirement, City staff has proposed changes to the Deltona LHAP. These changes have also been reviewed by the City Affordable Housing Advisory Committee (AHAC) and the AHAC recommends the City Commission approve the updated LHAP and transmit the LHAP to the Florida Housing Finance Corporation for Review.

A copy of the updated LHAP is attached. In an effort to assist in the review of the revised document, major changes to the LHAP are summarized as follows:

- 1) The award amount for the Owner Occupied Rehabilitation Strategy has been increased from \$30,000 to \$40,000. The \$10,000 increase is warranted to address the escalating costs of construction; and
- 2) The award amount for the Purchase Assistance was lowered. However, the rehabilitation component of the Purchase Assistance Strategy was increased \$5,000. With the increased costs of buying a house, tighter lending standards and other factors, many low and moderate income households are unable to qualify for home purchase. Therefore, resources have been or will be allocated to the Owner Occupied Rehabilitation and Rental Assistance strategies.

Approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: [LHAP 2019-2021 G](#)
[Resolution for 2019-2021 LHAP \(pdf\)](#)

- B.** [Public Hearing - Ordinance No. 02-2019, Amending the Firefighters' Pension Plan to comply with the Internal Revenue Code \(IRC\) and its associated Regulations, as well as the Internal Revenue Service \(IRS\) and recent litigation, at second and final reading. - Joyce Raftery, City Clerk \(386\) 878-8502.](#)

[Strategic Goal: Internal & External Communication - Improve Intergovernmental Coordination.](#)

Background:

The proposed ordinance was prepared by Scott Christiansen, attorney for the Board of Trustees of the City of Deltona Firefighters' Pension Plan and has been reviewed by the City Attorney.

The proposed ordinance amending the City of Deltona Firefighters' Pension Plan which is recommended by the Board for adoption by the City Commission. With changes to the Internal Revenue Code (IRC) and its associated Regulations, as well as guidance from the Internal Revenue Service (IRS) and recent litigation, the following amendments to the pension plan are proposed:

Section 46-26, Definitions, is being amended to incorporate the mortality table and interest rate currently being used by the plan's actuary. Reflecting the interest rate assumption set forth in the valuation rather than a specific interest rate negates the need to amend the ordinance every time a change is made to the assumption rate.

Section 46-33, Benefit Amounts and Eligibility, is being amended to clarify that this flat dollar retirement subsidy is not subject to COLA increases.

Section 46-45, Miscellaneous Provisions, is being amended to add subsection (j), Missing Benefit Recipients. This provision is in accordance with a recent IRS Programs Compliance Memorandum that requires plans to have an approved method for locating terminated individuals who are due benefits from the plan.

Section 46-54, Deferred Retirement Option Plan, is being amended to remove subsection (t) (8), Prevention of Escheat and re-number the remaining subsections. The information contained in this subsection is being expanded in accordance with IRS guidance and moved to the Miscellaneous Provisions Section of the Plan where it will apply to all benefit recipients rather than just DROP recipients.

Section 46-55, Reemployment After Retirement, is being amended to make several changes as required by the Internal Revenue Code to satisfy the qualification requirements applicable to the reemployment of a disability retiree. Additional changes have been made to clarify reemployment after receipt of early retirement benefits.

Upon approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorizes the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: [Ordinance No. 02-2019](#)
[Christiansen & Dehner PA Letter](#)
[No Impact Letter](#)

- C. [Public Hearing- Request for approval of Ordinance No.06-2019, to provide Exclusive Solid Waste Service by the City of Deltona - Residential & Commercial, at second and final reading - Marshal Segal-George, Assistant City Attorney. \(386\) 878-8873.](#)

Strategic Goal-Fiscal Issues

Background: The City is following the Process set out by Florida Statutes, Section 403.70605 (3) (b) to legally providing exclusive solid waste collection service for commercial properties as described in Exhibit H of the City's Solid Waste contract.

Documents provided pursuant to this Public Hearing include; Exhibit H; the current commercial rates in the City's Solid Waste Contract; a Memorandum; A list of the known providers in the immediate area; the notice provided by mail and in the newspaper; Ordinance No. 06-2019 to initiate City control of commercial waste.

Upon approval of this item authorizes the necessary budget transfers to facilitate Commission approval and further authorized the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: [Ordinance No. 06-2019](#)
[Memorandum- Exclusive Commercial Waste Collection Exhibit H](#)
[45 day Notice](#)
[Publication- Orlando Sentinel](#)

- D. [Public Hearing- Request for approval of Ordinance No. 07-2019, amending Chapter 50, Solid Waste to amend provisions relating to franchise, providing definitions, providing for conflicts, providing for severability, and providing an effective date, at second and final reading - Marshal Segal-George, Assistant City Attorney. \(386\) 878-8873.](#)

Strategic Goal- Fiscal Issues

Background: The City Commission has identified that a need exists for Franchise Fees and desires to amend Chapter 50 - Solid Waste, Article II- Services; Division 2.- Private Collection Services, Section 50-21

Franchises to provide regulatory requirements, clarity and transparency as to private waste collection services. The City of Deltona desires to add code provisions so that the collection, transporting and disposal of waste and recyclables shall be accomplished only by those persons or entities authorized by the City by means of a franchise agreement, and that such disposal shall only be accomplished at City approved waste facilities.

Upon approval authorizes the necessary budget transfers to facilitate Commission approval and further authorized the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: [Ordinance No. 07-2019](#)
[Franchise Rates](#)

10. OLD BUSINESS:

11. NEW BUSINESS:

A. [Approval of the new Municipal Transport Agreement with Volusia County](#)

[Strategic goal: fiscal and better customer service](#)

Background:

Emergency medical services (EMS) in Volusia County is provided by fire departments and Volusia County EMS (VCEMS) as part of a two tier system. The fire departments are the first response group and the first tier of the system. Fire units respond to medical emergencies to help stabilize patients and prepare them for transport to the hospital, if needed. VCEMS is the transport agency and the second part of the two tier system. VCEMS has the responsibility to continue the care that was started by the fire departments and then to provide transport to area hospitals.

Over the last five years or so, due to the increase call loads countywide, there has been a noticeable increase in response times by VCEMS. The fire departments started to look for ways to be there for their patients during extended wait times. An agreement was crafted to allow fire departments with transport capable rescue units to transport patients during times when the transport system was under heavy or peak load. This agreement is called the Peak Load Utilization System (PLUS) and is the current agreement we are working under today. There are two major problems with the PLUS agreement. First, we are only a part-time unit in the system. This means that we are only used after the system is overloaded and not as a means to keep the system from getting overloaded to begin with. Second, we never know when we are going to be used. A manager in the dispatch center decides

when to use the city units. Some shifts we will get several requests to transport and some shifts none at all. This system makes it hard to predict workload and therefore plan for the day's activities.

In order to continue to improve the overall EMS transport system, a committee from the Volusia Fire Chiefs Association and the Volusia County Public Protection Department worked to develop some improvements to the overall system. A new agreement was crafted and is before the Commission for consideration. This new agreement is the Closest Available Response Element (CARE) agreement. This new agreement will add our fire department ambulance into the system as a full-time unit and will be utilized when it is closest to an emergency. With the other municipalities that are participating in this agreement, five more ambulances will be added to the overall transport system countywide and therefore provide a much more robust system. This should help to reduce response times here in Deltona and countywide.

Based on these criteria, staff requests approval of the transport agreement and upon approval authorizes the necessary budget transfers to facilitate Commission approval and further authorized the City Manager to sign any documents necessary to further Commission approval of this item.

Attachments: [FINAL version Application for Municipal Transport - 11-29-18](#);
[Copy of Municipal Transport Contract Comparison-3-26-19](#)
[20190305 COV combined HIPAA privacy business associa](#)

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

15. 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, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.

