



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, December 15, 2025

6:30 PM

Deltona Commission Chambers

Revised 12-12-2025

PUBLIC FORUM: 6:00 PM - 6:30 PM

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:

The meeting was called to order at 6:30 p.m. by Mayor Avila.

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Avila
Vice Mayor Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner Howington
Commissioner Nabicht
Commissioner Santiago

3. INVOCATION AND PLEDGE TO THE FLAG:

- A. Invocation Presented by District 2 Commissioner.**
National Anthem- Deltona High School Blue Brigade Band
Honoring Veteran: Vanessa Balous - E-5 Sergeant, 92A Automated
Logistic Specialist - U.S. Army

4. ADDITIONS AND DELETIONS:

Motion by Vice Mayor Avila-Vazquez, seconded by Commissioner Howington, to have Former Commissioner Tom Burbank come and do a historical presentation with the Historical Society. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

5. PRESENTATIONS/AWARDS/REPORTS:

- A. **Super Star Student Awards for the second grading period of school year 2025/2026.**
- B. **Retirement Recognition of Community Development Manager Angelia M. Briggs**
- C. **The Deltona Wolves**
- D. **Parks & Recreation project updates.**
- E. **SOX Erosion Solutions Presentation**

6. DELTONA COMMUNITY EVENTS:**7. CONSENT AGENDA:**

Commissioner Howington requested to pull Items 7-G, H and I and Commissioner Colwell requested to pull Items 7-A and C.

Motion by Commissioner Nabicht, seconded by Commissioner Howington, to approve Consent Agenda Items B, D, E, F, J and K.

The Mayor opened public comments and residents addressed the City Commission.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

A. Request for approval of Resolution No. 2025-153, Investment Policy.

The Commission and staff discussed 2020 & 2025 investment policies, adding language back to the policy, using an outside financial advisory, Section 17 - change the word "may", reporting to the Commission, and quarterly reports from the investment advisor to the Commission.

Motion by Commissioner Nabicht, seconded by Commissioner Heriot, to table Item 7-A until the items can be rewritten in the policy and give the Commission an opportunity to review it prior to it coming back on to the next agenda, scheduled for the next Regular Commission Meeting.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

- B. Request for approval of Resolution No. 2025-166, authorizing the City to open an investment account with FLCLASS and authorizing the City Manager or designee to execute all appropriate documentation.**

Approved by Consent - to approve Resolution No. 2025-166, Investment Account with FLCLASS.

- C. Request for approval of Resolution No. 2025-159 to authorize the agreement between the City of Deltona and Volusia County for the Transform386 Award - Lake Sweet Gum Stormwater Drawdown project.**

The Commission and staff discussed pumping of lakes, flooding and impeding water, augmenting reclaimed water, possible benefit to CUP (Consumptive Use Permit), and being a possible enhancement.

Motion by Commissioner Nabicht, seconded by Commissioner Howington, to approve Resolution No. 2025-159. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

- D. Request for approval of Resolution No. 2025-160 to authorize the agreement between the City of Deltona and Volusia County for the Transform386 Award - Elkcarn Boulevard at Lake Helen Osteen Road - Flood Mitigation Project.**

Approved by Consent - to approve Resolution No. 2025-160.

- E. Request for approval of Resolution No. 2025-163 to authorize the agreement between the City of Deltona Florida Division of Emergency Management (FDEM) for mitigation of four (4) residential homes in Deltona. FDEM requires a resolution that authorizes the Mayor to execute the Federally Funded Subaward and Grant Agreement Number H1244 Project Number 4680-019-R.**

Approved by Consent - to approve Resolution No. 2025-163.

- F. Request for approval of Resolution No. 2025-164 and the Task Authorization between the City of Deltona & Pegasus Engineering for**

Grant Management Services, specific to Hazard Mitigation Grant Program (HMGP) for the Elevation of four (4) residential homes in Deltona in the amount of \$36,935.

Approved by Consent - to approve Resolution No. 2025-164.

G. Request for approval of Resolution No. 2025-155, First Quarter Budget Amendment for Fiscal Year 2025-2026.

The Commission and staff discussed not moving park funds and doing repairs, spending an extra \$1 million at Harris Saxon Park, adjustments affecting projects, prioritizing and reallocating park funds, parks with greater need, transferred money from FY 24/25 projects, rolling unused funds forward, and project invoicing.

Motion by Vice Mayor Avila-Vazquez, seconded by Commissioner Nabicht, to extend the meeting. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

The Commission and staff discussed appropriations, not having final numbers, priority projects, fund balance, not completing projects and building up the fund balance.

Motion by Commissioner Nabicht, seconded by Commissioner Howington, to table Resolution No. 2025-155 until the rest of the Commission can get comfortable with this. Maybe they can meet with the staff and get a comfort level that they are comfortable with and have it brought back at the next Regular Commission Meeting.

The Finance Director stated we approved some of the other items that are on here regarding stormwater and transform 386. If this is tabled, then the funding is not in place either for those projects.

Commissioner Nabicht stated he is comfortable withdrawing his motion if somebody wants to withdraw their second or the Commission can call the question on this and let it fail or whatever.

The Finance Director stated the items in question are related to the parks because there is a zero amount. If you just remove all the reallocations of the park projects, excluding the two from FY24/25 which totals \$504,000 then he can bring that back at the only meeting in January.

The Mayor asked if the Commissioners who made the motion and second are okay with

that.

The City Attorney recommended that the motion be made as drafted with the removal of Fund 302. She believes that will satisfy the concerns of the Commission and the Finance Director, and excluding the FY24/25 adjustment.

The Mayor stated the seconder withdrew and the motioner withdrew.

Motion by Vice Mayor Avila-Vazquez, to adopt Resolution No. 2025-155 for the First Quarter Budget Amendment for Fiscal Year 2025-2026, with the removal of Fund 302.

The City Attorney read the title of Resolution No. 2025-155 for the record.

The motion was seconded by Commissioner Nabicht. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

H. Request for approval of Resolution No. 2025-171, and award Bid #26004, Install New Windows and Doors at City Hall, to Property Renovations & Construction, LLC.

The Commission and staff discussed where the re-allocation is from, grant revenues, and how the difference is split.

Motion by Commissioner Heriot, seconded by Commissioner Santiago, to approve Item 7-H.

The City Attorney read the title of the Resolution No. 2025-171 for the record.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

I. Request for approval of Resolution No. 2025-170 Adopting the Intent to use the Uniform Method of Collecting Non-Ad Valorem Assessments for a Fire Service Assessment for FY 2026 - 2027.

Commissioner Heriot's virtual connection ended at 9:02 p.m.

The Commission and staff discussed setting the rate, ad valorem assessments, Veterans and other groups, the implementation process, affirming the noticed legal advertisement,

having good intentions, the Fire Department's operating budget, fire stations, funding mechanisms for operating, transport, the vendor bringing back options, applying for rebates, not committing to anything now, and streamlining the process.

Motion by Commissioner Howington, seconded by Commissioner Nabicht, to approve Resolution No. 2025-170.

The City Attorney read the title of Resolution No. 2025-170 for the record.

The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

J. Request for approval Resolution 2025-172 John Peters' Settlement Agreement. City Attorney Office.

Approved by Consent - to approve Resolution 2025-172.

K. Request for approval of minutes of the Special and Regular Commission Meeting of November 17, 2025, as presented.

Approved by Consent - to approve the minutes of the Special and Regular Commission Meeting of November 17, 2025, as presented.

8. ORDINANCES AND PUBLIC HEARINGS:

9. ACTION ITEMS:

A. Request for consideration of the Mayor's appointment to the Ordinance Review Committee.

Motion by Mayor Avila, seconded by Commissioner Howington, to confirm the Mayor's appointment of Dorothy Bier to the Ordinance Review Committee with a term to expire November 30, 2026. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

B. City Commission Forensic Audit - RFP#25020

The City Attorney stated this is Item 9-B which is related to the City Commission forensic audit, RFP (Request For Proposal) #25020, this is a request for direction from the City Commission.

Motion by Commissioner Santiago, seconded by Commissioner Nabicht, to reject the bid and take the fund balance to use for stormwater projects. Those are the needs of our residents in our community.

The Finance Director explained the bid process which took place and provided the results of the bid.

The Mayor opened the public comments and residents addressed the City Commission.

The Commission discussed the August workshop, previous audit presentation, supporting the residents, reducing the scope, fine tuning the estimate, the amount budgeted, having outstanding audits, using the existing auditing firm, internal enhancements, policies, probable cause, independent audits, justification, requirements and best practices, being fiscally responsible, no documented evidence of financial misconduct or irregularities, and IRS (Internal Revenue Service) payments.

The Mayor asked if the Commission wanted to extend the meeting and the Commission concurred.

The Commission discussed procedural concerns, giving back money for stormwater, finding and fixing deficiencies, and doing the audit efficiently.

The City Attorney stated on this item, the staff was seeking direction on whether to proceed through the procurement process and accept the single responsive bidder or to reject the bids. There is currently a motion and a second on the floor to reject the bids and reallocate the funds that were for this purpose to be transferred to stormwater for stormwater projects.

The motion failed by the following vote:

For: 3 - Mayor Avila, Commissioner Nabicht, and Commissioner Santiago

Against: 3 - Vice Mayor Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

Motion by Commissioner Howington, seconded by Colwell, to go back to this CRI organization, and revise the scope not to exceed the \$500,000 budget.

The Mayor asked for the motion to be repeated, and Commissioner Howington stated she motioned to go back to CRI and negotiate to revise the scope not to exceed \$500,000.

Commissioner Nabicht questioned whether the motion could be done as this is in the bid process.

The City Attorney stated so in order to comply with this motion as presented, the

Commission does have the discretion to do so, however, it would be through a suspension of the procurement process because the Commission has altered the scope significantly. Auditing is an exempt service, so the Commission would be able to proceed through an exemption. However, it would no longer be through this RFP.

The Commission, City Attorney and staff discussed the bid process, the solicitation of the annual audit, financial services, waiving bid requirements, reviewing policies in totality, the Commission approving the revised bid, needing a tighter scope, following the bid for the Cities of Belle Glade and Apopka, presenting the revised scope in January, auditing financial transactions, audit time frame, authority and authorizations, the option to audit additional years, an annual audit rotation and scope, public opinion regarding the results, tailoring the audit to the budget, the current audit track and trail, doing a deep dive in the current process, annual auditors not opining on operations, and the audit being a financial tool.

The Mayor asked the City Attorney to redo the motion. The City Attorney stated so his understanding of the motion is that the motion is to read, reject the bids with direction to staff to move forward on a modified scope with CRI utilizing the \$500,000 budget as the cap and concentrating on the financial and operational concerns discussed during this hearing tonight and it will come back for a final vote.

Commissioner Howington stated she would keep it a little bit more broad in just saying the scope, because just saying procedure might not encompass everything and she would like to get with the Finance Director and possibly talk through some scenarios.

The motion carried by the following vote:

For: 5 - Vice Mayor Avila-Vazquez, Commissioner Colwell,
Commissioner Heriot, Commissioner Howington, and
Commissioner Nabicht

Against: 2 - Mayor Avila, and Commissioner Santiago

10. CITY ATTORNEY COMMENTS:

A. Update on Damian Anson, et al., vs. City of Deltona

The City Attorney stated just a few things the first one is good news. In the Anson stone Island case that has been pending for a while, we have had a lot of meetings about this and as you know, we have filed a motion for summary judgment and we prevailed. The case is closed. Now, there is one final issue we are asking for the Commission to consider and get a consensus which is whether the Commission is willing to accept the proposal by the plaintiffs, and she recommends the Commission does. They have proposed that the City waives its right to seek attorney fees in exchange for them waving their right to bring an appeal. Partly because this is a large group of individual homeowners, and even though she believes the City would prevail on its attorney's fees, collection is going to be onerous, costly, time-consuming and potentially futile. Again, her recommendation is that the City

agree to waiving its right to attorney fees in exchange for them waving their right to file an appeal. She is asking for a consensus of the Commission and the Commission concurred.

B. Development Moratorium, Howland Holdings Group LLC.

The City Attorney stated the next item is with respect to the development moratorium. As the Commission knows, the Commission passed this moratorium, and it is set to expire in March. The City did receive a letter dated November 4th from JC Wilson and Associates Law Firm representing Howland Holdings Group, LLC. In this letter, which was provided as an exhibit, they have raised the position that they believe the moratorium is in violation of Senate Bill 180 (SB180). This item is to seek Commission direction and determine if the Commission wants to take action.

The Commission and City Attorney discussed whether there is a lawsuit, the moratorium violating SB180, that actions taken would likely prevail, statutorily required safe harbor letter, withdrawing the moratorium, response time after suit is filed, the Commission notification time, possibly calling a special meeting, two separate projects, existing property exemption, the application process, providing for waivers and the time frame, possible options, the ordinance being illegal, repealing the ordinance, Senate Bill 840, sending a message to the delegation, and making a change for one applicant.

The City Attorney stated option one is the Commission can acknowledge, via vote, that the ordinance is void ab initio, and then it is done. Option two, the Commission can opt to hear this informational item the City Attorney has presented to the Commission and take no action, recognizing that it seems there is consensus that if the statutorily required letter is provided, it would be disclosed to the Commission and a special meeting would be called within that safe harbor window.

The City Attorney stated the motion on the floor, he believes, is to recognize that the moratorium is void ab initio pursuant to SB180 and therefore will not be enforced.

Motion by Commissioner Santiago, seconded by Commissioner Nabicht, to cancel the moratorium.

Commissioner Nabicht stated for the record, approving the moratorium ordinance was an illegal action and he was not party to that illegal action.

The City Attorney confirmed that this is a motion that the moratorium ordinance is void ab initio and the Commission agreed.

The Mayor opened the public comments, and the residents addressed the City Commission.

The Commission discussed the moratorium vs. the development, threats from developers, the zoning process, the moratorium accomplished nothing, the impact fee study, slowing development, working with the delegation, and needing to work on changes.

The motion failed by the following vote:

For: 3 - Mayor Avila, Commissioner Nabicht, and Commissioner Santiago

Against: 3 - Vice Mayor Avila-Vazquez, Commissioner Colwell, and Commissioner Howington

The City Attorney requested three (3) Executive Sessions, one for the CBA (Collective Bargaining Agency), one for the Howard Station case which is set for trial in early 2026 and a separate one for the Burt J. Harris claim which has been brought in the Howland Station case. She asked that they be permitted to bring those three (3) Executive Sessions forward.

The Commission discussed the dates and times of the Executive Sessions, not having enough time for discussions and being rushed, and having the Executive Sessions on a different days than the Regular Commission Meetings.

The City Attorney replied that is fine, but the Howland Station and the Burt J. Harris will need to be done soon and maybe on the same day. The CBA can be on a different day, and certainly we will work with staff to get that scheduled at a time that works for the Commission. She wished the Commission Happy Holidays and thanked them for all that they do for the community.

11. CITY MANAGER COMMENTS:

The Deputy City Manager stated she had no comments other than wishing each of the Commissioners, as well as all of the citizens and employees, Happy Holidays.

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

Commissioner Nabicht wished everybody Happy Holidays, a Merry Christmas and a very prosperous New Year.

Commissioner Nabicht requested a consensus that through the City Manager have the Volusia Sheriff's Department (VSO) in the near future bring in their cyber crimes people to put on a public forum regarding their experience with AI (Artificial Intelligence), he explained he is a current victim of an AI attack and the Commission concurred.

Commissioner Nabicht requested a consensus to give the City Manager direction, to create a one time only additional holiday for the employees of December 26th to be treated like any other holiday in the City. The City Attorney stated just as a small nuance to that, pursuant to the City's collective bargaining agreement, it needs to be a motion of the Commission for the Commission to designate that holiday.

Motion by Commissioner Nabicht, seconded by Commissioner Santiago, to give the City Manager direction to create a one time only additional holiday for the employees of December 26th, treated like any other holiday in the City. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor Avila-Vazquez, Commissioner Colwell, Commissioner Howington, Commissioner Nabicht, and Commissioner Santiago

Commissioner Colwell wished everyone a Merry Christmas and a happy and prosperous New Year.

Commissioner Howington stated a resident approached her who would like to donate land for a pocket park, it includes wet lands, and the resident is requesting it be deed restricted, to just be conservation. She is asking for a consensus of the Commission if they are interested in looking into this.

The City Attorney stated the Commission could agree tonight to have consensus to do the due diligence and bring this back, but he believes there would be a lot of additional impacts on the City such as long term maintenance costs, so the Commission may want to have additional information before making a decision.

The Deputy City Manager stated we would also want to have staff involved because adding a dock is easy to say, but we do not know what other requirements are involved. She believes an operational study or at least a quick review with the entire team before bringing it back to the Commission to see if it makes sense for everyone. She requested that Commissioner Howington provide the information for staff to begin some research on it, the cost for maintenance and everything, and then bring that back to the Commission at a future meeting.

Commissioner Howington wished everyone Happy Holidays, Happy Hanukkah, Merry Christmas and Happy New Year.

Commissioner Santiago spoke about the Parrandas in the Amphitheater, Deltona High School Silver Mood Big Band, and she wished everybody a very Happy Holidays and a healthy and prosperous New Year.

Vice Mayor Avila-Vasquez spoke about the Deltona Blue Brigade fundraiser, shopping with the deputies, Pizza Across America event, The three kings event, her daughter 's achievements, and she wished everyone a Happy Holidays, all inclusive to everyone here in the City of Deltona.

Mayor Avila wished everyone a Merry Christmas, Happy Hanukkah and Happy New Year.

13. ADJOURNMENT:

There being no further business, the meeting adjourned at 10:52 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

The Mayor opened the public forum for those individuals who did not speak before the business meeting.