



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, November 18, 2024

6:00 PM

Deltona Commission Chambers

REVISED 11/18/2024

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

Mayor Avila opened the public forum and Terri Ellis, Elbert Bryan, Richard Bellach, Brandy White, Kathy Bryan, Jim Pescha, and Kenneth Coon addressed the City Commission.

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

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

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by District #6 Commissioner. **Honoring Veteran -**

4. ADDITIONS AND DELETIONS:

ADD-ON ITEM 4-A: Theresa Basin Flood Control Study Update

Benjamin Pernezny with Ardurra Civil Engineering Company, Maitland, gave a brief PowerPoint Presentation.

The Commission and Mr. Pernezny discussed the schedule/timeline, major capital improvements and funding sources, no major red flags to prevent fixes, required design details, dramatic changes, existing models, permissible solutions, ground water control, engineering costs, land acquisitions, updates to the study, factoring in future development, land use changes being modeled, accounting for rezones, built in margins of error,

significant changes, circling back with the Planning & Development Department, base models being Hurricanes Ian and Nicole, District #1 flooding, capturing everything without cutoffs, LiDAR (Light Detection and Ranging) projects, the effect of Hurricane Milton, synthetic design storms, running a 100-year model, truth checking, and making necessary adjustments as needed.

5. PRESENTATIONS/AWARDS/REPORTS:

6. DELTONA COMMUNITY EVENTS:

7. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 12-2024, amending the Official Zoning Map to rezone + 36.46 acres of land located along the North Normandy Boulevard Corridor, south and east of the I-4 Logistics Park IPUD within the Activity Center from single-family residential (R1-AA) to Mixed Use Planned Unit Development (MPUD).

City Attorney Good stated: "Please be advised that the following items on the agenda are quasi-judicial in nature. If you wish to comment upon any of these item(s), please indicate the item number you would like to address when the announcement regarding the quasi-judicial item is made. An opportunity for persons to speak on each item will be made available after the applicant and staff have made their presentations on each item. All testimony including public testimony and evidence will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to either be cross-examined or sworn in, your testimony will be given its due weight. The general public will not be permitted to cross-examine witnesses, but the public may request the Commission to ask questions on their behalf. The full agenda packet on each agenda item is hereby entered into the record. Persons representing organizations must present evidence of their authority to speak for the organization. Further details of the quasi-judicial procedures may be obtained from the City Clerk. At this time, Commissioners must disclose any ex-parte communications concerning items on the agenda.

Each Commissioner disclosed their ex-parte communications.

City Attorney Good swore in everyone that wished to speak on this item.

The Assistant Planning & Development Director gave a brief PowerPoint presentation to include The Request, Aerial, Master Development Plan, Multifamily Amenities, Matters of Consideration, and Comprehensive Plan.

The Commission and staff discussed types of commercial businesses, postponing the item, changing to C-1 zoning, Live Local, mixed use, entrances and exits, traffic, self-containment, the Rhode Island dedication, the Activity Center, grocery stores, the TIA (Traffic Impact Analysis), rezoning the property, high-end amenities, negotiated

development, and tabling the item.

Applicant Scott Banta, Telesis Services LLC, spoke about the Activity Center, percentage of multifamily living, the existing plat, extending water lines, Phase 4 of the I-4 Expansion and toll lanes, the I-4 logistic park, the property owners, minimizing the impact to neighbors, access points, the Rhode Island extension, the main entrance, the gas station entrance, the City's need for apartments, the lack of land, property taxes and assessed values, MPUD (Master Planned Unit Development), retail development and the market, Orange City development, traffic flow and routes, new turn lanes, storm water, elevation and setting the tone for high quality development.

Motion by Commissioner Colwell, seconded by Commissioner Avila-Vazquez, to table Ordinance No. 12-2024, at first reading.

Mayor Avila opened the public hearing for those residents with standing. Ed Talton and James Bickhardt addressed the City Commission.

Mayor opened the public hearing for those residents without standing. Brandy White and Christian O'Brien addressed the City Commission.

Attorney Mark Watts with Cobb Cole, 231 N. Woodland Blvd., DeLand, spoke about the motion to table, history, existing zoning and overlay, R-1AA zoning, the requirement to rezone to RPUD (Residential Planned Unit Development), Volusia County's Comprehensive Plan, DRI (Development of Regional Impact), and the need for flex space.

The motion carried by the following vote:

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

B. Public Hearing - Ordinance No. 17-2024, amending Section 110-806," Fences, Walls, and Hedges", of Article VIII "Supplementary Regulations."

The Planning & Development Director gave a brief explanation of the item.

Motion by Commissioner Colwell, seconded by Commissioner Avila-Vazquez, to approve Ordinance No. 17-2024, with removal of the strikethrough language but to include the new survey requirements, at first reading.

Mayor Avila opened and closed the public hearing as there were no public comments.

The motion carried by the following vote:

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

C. Public Hearing - Resolution No. 2024-66, Approval to Transmit the Affordable Housing Advisory Committee 2024 Incentive, Review and Recommendation Report to the Florida Finance Corporation

The Community Development Manager gave a brief explanation of the item.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Santiago, to approve Resolution No. 2024-66 and Transmit the Affordable Housing Advisory Committee 2024, Incentive Review and Recommendation Report to the Florida Finance Corporation.

Mayor Avila opened and closed the public hearing as there were no public comments.

The motion carried by the following vote:

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

8. COMMENTS ON CONSENT ITEMS:

Mayor Avila opened and closed the public comments as there were none.

9. CONSENT AGENDA:

Commissioner Avila-Vazquez requested to pull Items 9-E and 9-H for discussion.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Lulli, to Approve Consent Agenda Items 9-A, 9-B, 9-C, 9-D, 9-F and 9-G.

The motion carried by the following vote:

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

A. Approval of minutes of the Regular Commission Meeting of November 4, 2024, and Special Commission Meetings of October 28th, November 2nd and November 11th, 2024, as presented.

Approved by Consent - to approve the minutes of the Regular Commission Meeting of November 4, 2024, and Special Commission Meetings of October 28th, November 2nd, and November 11th, 2024, as presented.

B. Request for approval of Resolution No. 2024-63 and Budget Amendment for State Housing Initiative Partnership Funds.

Approved by Consent - to approve Resolution No. 2024-63 and Budget Amendment 2025-005 for the State Housing Initiatives Partnership Program Funds.

C. Request approval for purchase of a Cues Sanitary Sewer CCTV Camera Vehicle and transporter assembly from Cues, Inc., located in Orlando, Florida in an amount not to exceed \$453,108.00.

Approved by Consent - to approve the authorization for the purchase of a Cues Sanitary Sewer CCTV Camera vehicle and transporter Assembly from Cues, Inc., located in Orlando, Florida.

D. Request approval and authorization to purchase a new 2024 Ford Maverick from Duval Ford as found on the Florida Sheriffs Association Light Vehicle Contract #FSA-VEL31.0 in the amount of \$28,580.56.

Approved by Consent - to approve and authorize the purchase of a new 2024 Ford Maverick from Duval Ford as found on the Florida Sheriffs Association Light Vehicle Contract #FSA-VEL31.0 in the amount of \$28,580.56.

E. Request for approval of Resolution No. 2024-62 declaring certain property of the City as surplus and authorizing the sale or disposal of such property.

Commissioner Avila-Vazquez asked for clarification as to what items are considered surplus. The Finance Director, Robin Hayes, replied the items included objects like older equipment and vehicles. She also stated that "property" did not refer exclusively to land owned by the City.

Motion by Vice Mayor Heriot, seconded by Commissioner Avila-Vazquez, to adopt Resolution No. 2024-62, declaring certain property of the City as surplus and authorizing the sale or disposal of such property. The motion carried by the following vote:

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

F. Request to deny the reduction in fine request by the respondent.

Approved by Consent - to deny the reduction in fine request by the

respondent.

G. Request to deny the reduction in fine request by the respondent.

Approved by Consent - to deny the reduction in fine request by the respondent.

H. Request for recognitions for the month of November.

Commissioner Avila-Vazquez requested to add a recognition for the Deltona High School Blue Brigade Marching Band who were finalists in several competitions. She would like them to attend the December 9th, 2024 Regular Commission Meeting to play two Christmas songs.

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Colwell, to approve the two recognitions for the month of November as presented and to add a recognition for the Deltona High School Blue Brigade Marching Band who were finalists in several competitions and she would like them to attend the December 9th Regular Commission Meeting to play two songs. The motion carried by the following vote:

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

10. ACTION ITEMS:

A. Request for approval of an agreement with NFP Retirement Inc. to provide Investment Advisory, Compliance, and Plan Education Services for the Employee 401(a) and 457(b) Deferred Compensation Plans.

The Finance Director gave a brief explanation of the item.

The Commission and staff discussed fees, what currently exists, City costs, and investments.

Motion by Commissioner Colwell, seconded by Vice Mayor Heriot, to award the agreement to NFP Retirement Inc. to provide Investment Advisory, Compliance, and Plan Education services for the City's section 401(a) and 457(b) deferred compensation plans. The motion carried by the following vote:

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

B. Request for approval of award of RFP #24028 for Collection Agency Services to RTR Financial Services, Inc.

Motion by Vice Mayor Heriot, seconded by Commissioner Santiago, to award RFP#24028 for Collection Agency Services to RTR Financial Services, Inc. The motion carried by the following vote:

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

C. Request Approval for the Proportionate Fair Share Agreement for Catalina Pointe Residential Planned Unit Development (RPUD).

The Planning & Development Director gave a brief explanation of the item.

Motion by Commissioner Santiago, seconded by Commissioner Howington, to approve the Proportionate Fair Share Agreement for Catalina Pointe RPUD.

The Commission, the Applicant's Attorney, Joey Posey, and staff discussed the phases, extending the project, potential loss of money, traffic, the agreement, impact fees, the TIA (Traffic Impact Analysis), concurrency approval, addressing concerns, assurances in place, being responsive, the start and completion dates, financing, vested rights, rates and adjustments, developer absorbing the risk, accountability throughout the project, the intent to complete, functioning timing, vacant development, prior Commission approval, proposed restaurant, and the residential portion vs. the commercial portion.

Mayor Avila opened and closed the public comments as there were none.

The motion carried by the following vote:

For: 5 - Mayor Avila, Vice Mayor Heriot, Commissioner Howington, Commissioner Lulli, and Commissioner Santiago

Against: 2 - Commissioner Avila-Vazquez, and Commissioner Colwell

D. Request approval to issue a Blanket Purchase Order to SAK Construction LLC, located in Apopka, FL, Florida in an amount of \$1,000,000 for Sanitary Sewer Rehabilitation services of Gravity Sewers, Pipelines, and Conduits utilizing piggyback of the City of Port St Lucie's competitive bid contract #20180197

The Commission and staff discussed the contractor and bid process, past expenditures, a "blanket" Purchase Order, the specifications for the project, historical repairs, and infiltration of ground water into sewer system.

Motion by Commissioner Santiago, seconded by Vice Mayor Heriot, to

approve and authorize the issuance of a Blanket Purchase Order to SAK Construction LLC, located in Apopka, FL, Florida in an amount not to exceed \$1,000,000 for Sanitary Sewer Rehabilitation services of Gravity Sewers, Pipelines, and Conduits utilizing piggyback of the City of Port St Lucie's competitive bid contract #20180197.

The Commission and staff discussed the alternative.

Mayor Avila opened the public comments and Brandy White and Carolyn Hickerson addressed the City Commission.

The motion carried by the following vote:

For: 5 - Mayor Avila, Commissioner Avila-Vazquez, Vice Mayor Heriot, Commissioner Lulli, and Commissioner Santiago

Against: 2 - Commissioner Colwell, and Commissioner Howington

E. Consideration of one appointment of a City representative to Team Volusia's Executive Committee and Board of Directors.

Motion by Commissioner Santiago, to appoint Vice Mayor Heriot as the City's representative to both Team Volusia's Executive Committee and the Board of Directors. The motion died for lack of a second.

Motion by Vice Mayor Heriot, seconded by Commissioner Lulli, to appoint Commissioner Howington as the City's representative to both Team Volusia's Executive Committee and the Board of Directors. The motion carried by the following vote:

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

F. Consideration of one appointment and one alternate appointment to the River To Sea Transportation Planning Organization (R2S TPO).

Motion by Mayor Avila, seconded by Commissioner Howington, to appoint Commissioner Lulli as the City Commission's appointment and Vice Mayor Heriot as the City Commission's alternate appointment to the River to Sea Transportation Planning Organization. The motion carried by the following vote:

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

Against: 1 - Vice Mayor Heriot

11. CITY ATTORNEY COMMENTS:

City Attorney Torcivia thanked the Commission for bringing them on to the team here at the City of Deltona. She stated that it has been truly an honor so far to get to work with this incredible Commission and the incredible staff and they are very grateful and happy to be of service to the community. City Attorney Torcivia announced that the City is holding a City Attorney Meet and Greet tomorrow evening at The Center at Deltona from 6:30 to 8:00 p.m. and she thanked the City Manager and his staff for advertising the event on social media and on the website.

12. CITY MANAGER COMMENTS:

The City Manager spoke about upcoming events including the mailbox for letters to Santa Claus (available December 1st through December 19th) where the children will receive response letters from Santa, the Holiday Lighting Competition (registration closing on December 13th), and the first annual New Year's Eve celebration at The Center at Deltona. He reminded everyone to check the website under Community Events for more information on all upcoming events.

The City Manager briefly introduced his mother, the rarely ever seen "Iron Maiden".

13. CITY COMMISSION COMMENTS & REQUESTS:

Commissioner Santiago spoke about the Deltona Wolves 12U Football Team having an incredible season and claiming the East Coast Conference Title by winning the Regional Championship and finishing the season undefeated. She requested a Proclamation be placed on the next Commission Meeting and have it presented to the Deltona Wolves in January. She also announced that the Hispanic Association has partnered with the City to have a Spanish Christmas Carol called Parrandas at the Amphitheater on Saturday, December 7th from 7:00 p.m. to 9:00 p.m.

Commissioner Avila-Vazquez spoke about reconsidering the time for public forum. She requested an update on the Lakeshore project and a City Commission Workshop for AHAC (Affordable Housing Advisory Committee). She thanked everyone for the Veteran's Day Ceremony at Veteran's Park. She also announced VEMA's (Veteran Enforcers Motorcycle Association) PTSD (Post-Traumatic Stress Disorder) Awareness event on December 7th from 11:00 a.m. to 5:00 p.m. She also addressed a letter received by the City Commission from Volusia County Chairman, Jeff Brower, concerning a moratorium on development.

Commissioner Howington invited the Commission to do an escape room as a team building activity that she would pay for to help the Commission to get along better and start functioning more like a team and the Commission concurred. The City Attorney stated they would provide a legal analysis as quickly as possible.

Commissioner Colwell encouraged the residents to attend the City Attorney Meet and Greet. He directed the City Attorney to get a written opinion from the Florida Ethics Committee regarding the spouse of City of Deltona Commissioner Santiago and their business dealings as it pertains to City business. The City Attorney replied they can request a written opinion which could take a substantive amount of time, potentially four (4) to eight (8) weeks, and they will provide an estimated timeline.

Commissioner Lulli spoke about his contact information, the swearing in meeting, the Veteran's Day event, the City Attorney team, emails received from Carolyn Hickerson and Terri Ellis, items from Former Commissioner Burbank, recycling campaign signs, items brought up during public forum, Project Lemonade update, Monument Drive pumping station project update and the City attorney Meet and Greet.

Vice Mayor Heriot spoke about the final Vision 2050 meeting on December 16th from 5:30 p.m. to 7:30 p.m.

Vice Mayor Heriot requested a consensus of the Commission to ask staff to look into a zoning in progress specifically for the storm water chapter of the City's code and the Commission concurred.

The Planning & Development Director stated a zoning in progress basically takes the code and puts a pause on projects related to it, but it is not a moratorium. Zoning in progress allows staff to review and modify the code which is then brought back to the Commission. Any applications that come before the City once the zoning in progress begins, staff will have to follow any modifications that the City Commission adopts.

The City Manager reminded everyone of two more upcoming events that will happen before the next Regular Commission Meeting, the Light Up City Hall event on December 4th from 6:00 p.m. to 8:00 p.m. and the Christmas Parade registration deadline of November 30th. He also discussed two events that took place this weekend: the Community Shred Day on November 16th, and the First Responders' Gobble Gallop 5K on November 17th.

Mayor Avila spoke about the Lakeshore boat ramp update, recognizing Pine Ridge High School's award, his appointment as the Vice Chair of the Volusia County Roundtable of Elected Officials, meeting attendance, and comments made regarding support of the County Chair's moratorium.

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:09 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

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 Manager in writing at CityManager@deltonafl.gov or to Deltona City Hall, 2345 Providence Blvd., Deltona, FL 32725 at least 48 hours prior to the meeting at which the person wishes to attend. The City is not permitted to provide the use of human physical assistance to physically handicapped persons in lieu of the construction or use of ramps or other mechanical devices in order to comply with Florida law. If proper accommodations for handicapped access cannot be made at a particular public meeting venue pursuant to a timely written request under Section 286.26 F.S., the City Manager shall change the venue of that meeting to a location where those accommodations can be provided.

DECORUM POLICY: The City of Deltona has a significant interest in conducting orderly and efficient public meetings, which includes preventing disruption, promoting civility, and preserving decorum. To that end, behavior which disrupts or impedes the efficient and orderly conduct of any public meeting, as determined by the Mayor, or presiding officer, or a majority of the City Commission, is not permitted. The Mayor, or presiding officer, or a majority of the City Commission, may interrupt, warn, or terminate a speaker's statement when that statement is too lengthy, personally directed, abusive, obscene, irrelevant, or otherwise reasonably perceived to be a disruption to the fair and orderly progress of the discussion at hand. The Mayor, or presiding officer, or a majority of the City Commission, may also interrupt any part of the meeting to warn any individual that they are being disruptive or otherwise impeding the efficient and orderly conduct of the meeting. The Mayor, or presiding officer, or a majority of the City Commission, may require any individual to leave a public meeting for its duration if that individual is unable to observe this Policy after being warned. Should an individual be required to leave a meeting for violating this Policy, that person shall be escorted from Commission Chambers by a Volusia Sheriff's Deputy.

PUBLIC FORUM: Public Forum will begin at 6:00 PM at the start of each regular meeting and will conclude after 30 minutes. Comments during Public Forum are limited to items of City business that are listed on the Agenda and/or items that are not listed on the Agenda. Comments regarding listed Agenda items will take place after discussion of each item. Please be courteous and respectful of the views of others. In order to address the Commission, citizens must fill out a public participation slip and give it to the Deputy City Clerk. All citizen comments are limited to 4 minutes and shall be addressed to the Mayor or the Commission as a whole. Members of the City Commission shall not enter into discussion or respond to a citizen's comments other than to give directions or to ask for clarification. However, individual Commissioners may choose to respond under the "City Commissioner Comments" portion of the meeting.

COMMENTS ON CONSENT ITEMS: Citizen comments are limited to issues and concerns on the Consent Agenda item(s). Please complete a public participation slip and indicate in the subject line the issue you wish to address. Members of the City Commission shall not enter into discussion or respond to individuals' comments during the public forum other than to give directions or to ask for clarification. 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.

CONSENT AGENDA: The Consent Agenda contains items that have been determined to be routine and non-controversial. If discussion is desired by any member of the City Commission, that item must be removed from the Consent Agenda and considered separately. All other matters included under the Consent Agenda will be approved by one motion. Citizens with concerns should address those

concerns by filling out a public participation slip and giving it to the Deputy City Clerk prior to Consent Agenda items being pulled.