



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Monday, April 15, 2024

6:30 PM

Deltona Commission Chambers

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.

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

Present: 7 - Mayor Avila
Vice Mayor JodyLee
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Heriot
Commissioner McCool
Commissioner Shimkus

3. INVOCATION AND PLEDGE TO THE FLAG:

A. Invocation Presented by the Mayor.

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes of the Regular Commission Meeting of April 1,

2024, and the Special Commission Meeting of April 8, 2024, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

Motion by Commissioner McCool, seconded by Commissioner Colwell, to approve the minutes of the Regular Commission Meeting of April 1, 2024, and the Special Commission Meeting of April 8, 2024, as presented. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

Mayor Avila requested to move Item 5-C to New Business.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Proclamation - Prevention of Animal Cruelty Month.

B. Proclamation - Day of Prayer

6. PUBLIC FORUM: Public 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.

Christian Brown, Felicia Benzo, Jeff Allebach, Courtney Burgos, Jesse Simmons, Brandy White, German Taveras and Kathy Bryan addressed the City Commission.

7. ORDINANCES AND PUBLIC HEARINGS:

8. OLD BUSINESS:

A. Discussion & selection of City Manager and the negotiating team to negotiate the City Manager's contract. - Glenn Whitcomb, City Manager (386) 878-8858.

Strategic Goal: Internal & External Communication

Colin Baenziger with Colin Baenziger & Associates gave a brief explanation of the item.

The Commission and Mr. Baenziger discussed bringing in the other three candidates, the two interviewed candidates, and the City Manager Selection Committee (CMSC).

Motion by Commissioner Avila-Vazquez, seconded by Commissioner Shimkus, to select Mr. Dale Dougherty as the new City Manager and to have Human Resources Director and the City Attorney negotiate a contract for the new City Manager.

The Commission discussed the process, the community and business/community leaders, running a business, qualified candidates, reflection on the process, the top five candidates, no perfect candidate, believing in the process, and amending the motion to include a member of the Commission.

Mayor Avila opened the public comments and Jim Pescha, Elbert Bryan, Courtney Burgos, Brandy White, and German Taveras addressed the City Commission.

The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

9. NEW BUSINESS:

5-C. Report from TetraTech Engineering, Engineer of Record for the Phase 4B Lake Monroe Intake, Pump Station and Raw Water Transmission Main project. - Phyllis Wallace, Interim Public Works Director (386) 878-8965.

Strategic Goal: Infrastructure

Roderick Cashe, Civil Engineering Discipline Lead & Senior Project Manager with Tetra Tech, gave a brief update and history of the project to include the project engineer geotechnical services, history of the project, the City Manager Peters, Universal Engineering, required documentation, dewatering specialists, not following contract documents, certified dewatering plan, wells vs. the system put in place, Ardaman & Associates Engineer/Specialist, accountability, finding another solution, laying blame, the facts and support documents, and wanting an opportunity to speak.

The Commission, Mr. Cashe, Deputy Public Works Director, Interim City Manager and City Attorney discussed doing something different, where does responsibility lie, the design cost, trying to fix the project, cost to tax payers, backup documentation and making it available, St. Johns River Water Management District, restoration cost, who gets the different contracts, CEI (Construction Engineering and Inspection), the chimney size and pressure, the acreage/square footage of the site, pursuing a witch hunt, staff's responsibility, the dewatering permit, the City's responsibility, paying and finishing the project, City investigation, permitting, the dewatering plan, statute of limitations, putting

protocols in place, and the timeline being key.

Mayor Avila opened the public comments and Marcyana Mead, Elbert Bryan, Courtney Burgos, Rachel Amoroso, Tara D'Errico, Joseph Amlung, and Matt Shaw addressed the City Commission.

The Commission and Deputy Public Works Director discussed not delaying the project, assigning responsibility, cost to restore the area, a time certain timeline, keeping the public informed, bringing back the next steps, report showing responsibility, and the previous landscape agenda item i.e. the plan.

A. Update and review of private, pre-application & public development projects.

Strategic Goal: Infrastructure

Phyllis Wallace, Deputy Public Works Director, gave a brief update on public projects, private projects and pre-applications. The update included the Enrique Apartments, recent activity and fines.

The Commission, Interim City Manager and the Deputy Public Works Director discussed Island Walk and how it was presented, ownership and rentals, having recourse, who is in charge, developers' rights, legal recourse, Ashton Woods Developer, DRC (Development Review Committee), housing moratorium, not getting answers, the consultant and the process, double checking the documents, the project being a full build out, Catalina Pointe, projects changing after Commission approval, development orders, being honest instead of deceitful, rezonings, strategic planning, major vs. minor amendments, the City's rights, and legal opinion on acting in bad faith.

B. Request consideration and approval for the bid received from A Classic Touch Painting dba Epoxy Daytona of Port Orange, Florida for the preparation and resurfacing of all floors at the Public Works Fleet Maintenance Shop in an amount not to exceed \$39,900.00- Phyllis Wallace, Interim Public Works Director (386) 878-8965.

Strategic Goal: Infrastructure

The Deputy Public Works Director gave a brief explanation of the item.

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

Motion by Commissioner McCool, seconded by Commissioner Heriot, to approve the bid received from A Classic Touch Painting dba Epoxy Daytona of Port Orange, Florida for the preparation and resurfacing of all floors at the Public Works Fleet Maintenance Shop in an amount not

to exceed \$39,900.00. The City Manager has the authority to make corrections of scrivener's errors and the like. The motion carried by the following vote:

For: 7 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, Commissioner McCool, and Commissioner Shimkus

10. 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.

11. 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.

12. CITY COMMISSION SPECIAL REPORTS AND REQUESTS:

Commissioner Avila-Vazquez requested to have Duke Energy take more care when taking down trees in and around residents' homes.

Commissioner McCool requested to revisit bandwidth for the parks for upgraded cameras to be budgeted, to provide access to the cameras to VSO (Volusia Sheriff's Office) and fast track that as well as bring an update back to the Commission within four weeks. She asked that the Interim City Manager discuss with VSO to have more deputies and report back by the next Commission meeting.

The Interim City Manager spoke with Captain Powers and the City Attorney will be contacting him tomorrow. Captain Powers has some ideas on how some things can be done. He also spoke with the Parks & Recreation Director and the IT Director and there is a solution for the one park. There will be a budgeted item for next year and staff will do what it can this year.

Commissioner McCool requested to look into the bandwidth for City Hall. The Interim City Manager replied he will discuss the issues with the IT Director and the PIO (Public Information Office) staff with regards to Spectrum and bandwidth. He will bring back an update at the next meeting.

Commissioner Colwell requested to move quickly on the cameras.

Mayor read On October 17, 2016 Mayor John Masiarczyk received approval from the Commission to support efforts to obtain a tank at no cost to the City other than transportation. I have since been promoting the efforts to secure the military equipment for the Veteran's Memorial Park. The US Army Donations Program Office has requested qualification documentation. They have requested that the minutes from the October 2016 vote needed to reflect that the City approves the equipment to be displayed on public land and will never be displayed on private property. May I get a vote to approve that if the City receives the requested tank that it will be displayed on public land and will never be displayed on private property.

Motion by Vice Mayor JodyLee, seconded by Commissioner Heriot, to approve that if the City receives the requested tank from the US Army Donations Program Office and that it will be displayed on public land, Veteran's Memorial Park, and will never be displayed on private property. The motion carried by the following vote:

For: 6 - Mayor Avila, Vice Mayor JodyLee, Commissioner Avila-Vazquez, Commissioner Colwell, Commissioner Heriot, and Commissioner McCool

Against: 1 - Commissioner Shimkus

13. CITY ATTORNEY COMMENTS:

14. CITY MANAGER COMMENTS:

The Interim City Manager reminded everyone of Arbor Day and the West Volusia Summit.

15. CITY COMMISSION COMMENTS:

Commissioner Shimkus thanked everyone who participated in the City Manager search and he appreciates everyone's input. He challenged staff to present new ideas and solutions to the new City Manager when he comes onboard.

Commissioner Avila-Vazquez thanked the City Manager Selection Committee for the work they did and she is proud that the Commission honored the work they did. She gave a shout out to staff for the Meet & Greet and the interviews.

Commissioner McCool spoke about the Volusia County School's Job Fair for teens at University High School and the Parks & Recreation Summer Camp for ages 6-12 for eight weeks. She thanked the City Manager Selection Committee for their hard work and dedication. She thanked the Interim City Manager for hanging in there, for stepping up to the plate and she commended him for his dedication to the City.

Mayor Avila thanked involved in the City Manager search and he spoke about the Mayor's Fitness Challenge Warrior Day.

16. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:26 p.m.

Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK