



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Regular Commission Meeting

City Commission

Mayor Avila
Vice Mayor Heriot
Commissioner Avila-Vazquez
Commissioner Colwell
Commissioner Howington
Commissioner Lulli
Commissioner Santiago

Monday, January 6, 2025

6:30 PM

Deltona Commission Chambers

REVISED 1/3/2025

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

BUSINESS MEETING - 6:30 PM

1. CALL TO ORDER:

2. ROLL CALL – CITY CLERK:

3. INVOCATION AND PLEDGE TO THE FLAG:

**A. [Invocation Presented by District #1 Commissioner.
Honoring Veteran -](#)**

Background: N/A

4. ADDITIONS AND DELETIONS:

5. PRESENTATIONS/AWARDS/REPORTS:

**A. [Deltona Wolves 12U Football Team- East Coast Conference Championship
Certificate Presentation](#)**

Background: Recognition to the Deltona Wolves Coaches and Players for winning the 12U East Coast Conference Championship.

6. DELTONA COMMUNITY EVENTS:

7. CONSENT AGENDA:

- A. [Request approval of minutes of the Regular Commission Meeting of December 9, 2024 and Special Commission Meeting of December 23, 2024, as presented.](#)

Background: N/A

- B. [Request approval of the Quarterly Reports of City Advisory Boards/Committees.](#)

Background: October through December 2024 Quarterly Reports of City Advisory Boards/Committees:

1. Affordable Housing Advisory Committee
2. Firefighter Pension Board
3. Planning and Zoning Board
4. Team Volusia

- C. [Request approval of Resolution No. 2025-03 for continued legal representation for Deltona Retail Holdings, Resolution No. 2025-04 for continued legal representation for the Anson \(Stone Island Class Action\) case matters after conclusion of insurance premiums from the carrier, and Resolution No. 2025-05 for legal representation in the Maverick Bench Media Company.](#)

Background: The City's previous insurance carrier, PGCS, provides legal representation for the Deltona Retail Holdings and the Anson, et. al. (Stone Island Class Action) case matters. Attorney Dale Scott, through his previous firm Roper, Townsend & Sutphen, PA, was the attorney assigned to both case matters as insurance defense counsel. Mr. Scott has since joined the firm Tessitore Mari Scott, PLLC. Due to the complex nature of the facts and law involved in these two litigations, it is in the best interest of the City for Mr. Scott to continue his representation under the new firm. The coverage limitation from PGCS on each case matter is \$100,000, so the City will be liable for expenses once coverage is exhausted.

Maverick Bench Media Company v. City of Deltona is a contracts and indebtedness matter filed by the former City Attorney that is schedule for Jury Trial in May of 2025 and is not subject to insurance coverage. It is also recommended that Mr. Scott represent the City in this matter.

Further, it is in the best interest of the City to authorize the City Attorney, TG Law, PLLC, to represent the City in the above mentioned litigation matters and supervise Mr. Scott as the City's outside counsel.

- D. [Request approval of Resolution No. 2025-06 authorizing the purchase of the Zoll AutoPulse Platform and Resolution No. 2025-10 accepting a grant award](#)

[from the Volusia County Opioid Abatement Board.](#)

Background:

The Fire Department requests approval to replace the existing AutoPulse cardiac resuscitation platforms with twelve new units which may be reimbursement through the Opioid reimbursement grant.

The budgeted amount for this replacement is \$350,000, with a quote of \$349,592.84 for the new platforms. The City was approved for the grant by the Volusia County Opioid abatement board for reimbursement and is awaiting final approval by the Volusia County Council.

- E. [The City of Deltona has been working with the Florida Division of Emergency Management \(FDEM\) to assist residents impacted by Hurricanes Ian & Nicole obtain Hazard Mitigation Grants for mitigation of flood impacts. The property at 2560 West Tulsa Drive has received approval from FDEM to elevate the home at least 1 foot above the base flood elevation of Lake Windsor. FDEM requires a resolution that authorizes the Mayor to sign the Federally-Funded Subaward and Grant Agreement Number H1144, Project Number 4680-024-Resolution No. 2025-15.](#)

Background:

2560 West Tulsa Drive was severely impacted by Hurricane Ian. The property was rendered uninhabitable while the resident worked on the interior repairs & restoration efforts. The resident applied for HMGP assistance to have his home elevated.

HMGP is a 75/25 cost share program that is administered by FDEM on behalf of FEMA. Specific to 2560 West Tulsa Drive, the estimated cost to elevate the home is \$364,560 of which FEMA will cover \$273,420 (75%) while the homeowner will be responsible for the remaining \$91,140 (25%). The homeowner is working with CDBG for applications for SHIP & CDBG-DR funds to assist with the funding of the local match.

Because this is a reimbursement program with the City of Deltona as the applicant and sub-recipient, the City will need to have funding available to pay for the elevation cost estimated at \$364,560 and submit for reimbursement draws with FDEM. However, before the elevation project commences, the City will need to receive the local match payment in full from the homeowner, even if SHIP/CDBG-DR funds are not available.

- F. [Request approval of Resolution No. 2025-15 and the Task Authorization between the City of Deltona & Pegasus Engineering for Grant Management Services, specific to the home elevation at 2560 Tulsa Drive WEST in an amount of \\$35,000.](#)

Background:

Due to the impacts of Hurricane Milton & Nicole, the City identified a number of homes that were flooded due to one or both of these disasters. Working with our consultant, Pegasus Engineering the City was able to present several homes to the Division of Emergency Management (FDEM) for consideration under the Hazard Mitigation Grant Program (HMGP). HMGP is a FEMA funded program that is administered on behalf of FEMA through FDEM.

The existing residential structure at **2560 West Tulsa Drive** is in the Lake Windsor/ Elston Lake drainage basin. The Lake Windsor/ Elston Lake watershed is classified as a closed (land-locked) drainage basin that has an extensive history of structural and roadway flooding. The property owner requested that the City assist in mitigating future flood events by elevation of the home - and the City upfronted the application cost \$19,895. The property has now received "approval" by FDEM & FEMA to proceed.

HMGP applications are a 75/25 cost share, where the property owner is required to pay the requisite 25% cost. The City committed to up-front the cost of the approved projects, so long as the resident(s) had secured the request 25% share. If/when the resident has secured that match, that match will be provided to the City of Deltona as the grant sub-recipient and Pegasus Engineering will provide Grant Management Services for the applicant on behalf of the City.

- G. [Request approval of Resolution No. 2025-14, roadway transfer from Volusia County to the City of Deltona. Specifically for that portion of Fernanda Drive from Howland Boulevard east to the Fernanda Subdivision Entrance at Landing Lane.](#)

Background:

Fernanda Subdivision Phase I & II have access to Howland Boulevard through unincorporated Volusia County. It had been the intent of the City and County to have that portion of Fernanda Drive transferred to the City of Deltona. The attached Agreement provides for that transfer of jurisdictional control from Volusia County to the City of Deltona.

- H. [Request approval of Resolution No. 2025-09, a Federally Funded Sub-award and Grant Agreement Z4565 for DR-4834 Hurricane Milton.](#)

Background:

This grant agreement is required for the City to receive reimbursed by FEMA for the cost of debris removal, emergency protective measures and for any damages to city buildings and infrastructure. The cost share from the federal government is not to be less than 75% of eligible costs. The State of Florida Department of Emergency Management will provide a match of no less than 12.5% and the city makes of the

remaining amount. The amount of federal funds obligated has not been determined at this time.

I. [Request approval of Resolution No. 2025-16 for participation in PFAS Litigation.](#)

Background:

Per- and Polyfluoroalkyl Substances (“PFAS”) have been used widely in various industries for decades for items such as nonstick coatings, firefighting foams, waterproof fabrics, and food packaging. However, mounting evidence suggests that PFAS pose significant health risks and environmental harm. The purpose of this litigation is to seek reimbursement of the costs incurred and to be incurred to investigate and remediate soil, groundwater and surface water, as well as to design, construct and operate drinking water treatment systems arising out of contamination caused by the conduct of the defendants in this litigation.

The Ferraro Law Firm represents plaintiffs in this and other multidistrict PFAS litigation suits and believes the City of Deltona may be entitled to compensation. The Ferraro Law Firm is prepared to finance the entire litigation including all out-of-pocket expenses and disbursements and handle the lawsuit on a contingent fee basis.

J. [Request for approval of Resolution No. 2025-13, First Quarter Budget Amendment for Fiscal Year 2024-2025.](#)

Background:

This is the First Quarter budget amendment for Fiscal Year 2024-2025. The Commission approved the annual budget for FY 2024-2025 on September 16, 2024. This amendment is necessary to account for additional grant funds received.

K. [Request for recognitions for the month of January.](#)

Background:

Per the City Recognition Policy adopted by the City Commission at the Regular Commission Meeting held on Monday, June 17, 2024, the following recognitions are being requested for the month of January:

1. 2025 CRNA (Certified Registered Nurse Anesthetists) Week

8. ORDINANCES AND PUBLIC HEARINGS:

9. ACTION ITEMS:

A. [Request approval of Resolution No. 2025-08, consideration of appointment\(s\) to the Affordable Housing Advisory Committee \(AHAC\).](#)

Background:

On July 15, 2024 Manuel Rodriguez resigned from AHAC which has the

following openings: (h) Actively serves on the local planning agency and (k) Representative of essential services personnel. The following people have applied: Phyllis Allen, Elizabeth Chavez, Rae A. Maynard, and Janae Ponder. If, due to reasonable factors, a citizen actively engaged in these activities in connection with affordable housing is not available for appointment to the committee, a citizen engaged in the activity without regard to affordable housing may be appointed.

B. [Request for consideration of two Commission appointments to the Firefighters' Pension Plan, Board of Trustees.](#)

Background:

The terms of two (2) citizen members of the Firefighters' Pension Plan, Board of Trustees, Gene Gizzi and Robert B. Lindemann, expire on January 15, 2025. Both have indicated that they would like to be re-appointed. The Board openings have been advertised. The following individuals have applied for consideration of appointment to this Board: Gene Gizzi, Robert B. Lindemann and Elizabeth Chavez. In accordance with the City's Ordinance No. 21-2011 Sec. 46-28, "The board shall consist of five members, two of whom, unless otherwise prohibited by law, shall be legal residents of the City, who shall be appointed by the Deltona City Commission".

C. [Request for consideration of appointments of one member \(District #4\) and one alternate member to the Planning and Zoning.](#)

Background:

Manuel Rodriguez, the District #4 appointment, resigned from the Planning and Zoning Board on October 16, 2024. There are two vacancies, one member from District 4 which expires March 15, 2026 and one alternate which expires March 15, 2025. The appointments will serve for the remainder of the terms. The City has received applications from the following individuals: Alternates Tara D'Errico and Jeffrey Zlatos. Applicants Matthew Borgens, Elizabeth Chavez, Hope George, Christopher Leon, Rae Maynard, Karen Neher, Matthew Shaw, Daniel Trojanowski and Lori Warnicke.

D. [Request approval of Resolution No. 2025-11 for the Proportionate Fair Share Agreement for LEHA Business Park Business Planned Unit Development \(BPUD\).](#)

Background:

LEHA Investment Properties, Inc. (applicant) has proposed a Proportionate Fair Share Agreement to mitigate the projects impacts to Howland Boulevard pursuant to F.S. 163.3180(5)(h) for LEHA Business Park, consisting of 26,250 square feet of medical-dental office buildings, and 637 units of storage facilities, including RV parking. The applicant will pay approximately \$105,818.87 in impact fees once they apply for the building permit.

E. [Request approval of Resolution No. 2025-12, amending the Deltona City Commission Operating Guidelines & Meeting Rules and Procedures.](#)

Background:

This item is to clean up and streamline the Deltona City Commission Operating Guidelines & Meeting Rules and Procedures.

10. CITY ATTORNEY COMMENTS:

11. CITY MANAGER COMMENTS:

12. CITY COMMISSION COMMENTS, REQUESTS & REPORTS:

13. ADJOURNMENT:

CONTINUATION OF PUBLIC FORUM

**This is only for individuals who submitted a request to speak form during the 6:00 p.m. Public Forum and were not afforded the opportunity to speak.*

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.

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.